

States of Jersey
Planning and Environment Department
Waste Management (Jersey) Law 2005
Waste Management (Exemptions from Licensing) (Jersey) Order 2006

Guidance Notes on Exemptions
from Waste Management Licensing (JWL014)

FOR USE WITH FORM JWL007

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Part 1. Introduction

1.1 Article 24 of the Waste Management (Jersey) Law 2006 (the Law) provides that certain activities involving the deposit, keeping, treatment, disposal or recovery of controlled wastes need not require a waste management licence as long as certain conditions are complied with.

1.2 The activities that benefit from this exemption from the waste management licensing system are -

- (a) an activity that is adequately controlled under another enactment;
- (b) an activity that consists of the deposit of controlled waste in quantities that are so small or so temporary as not to significantly endanger human health, the environment or flora or fauna;
- (c) an activity that consists of the treatment or disposal of controlled waste and does not significantly endanger human health, the environment or flora or fauna; or
- (d) an activity relating to household waste.

1.3 The activities to which this exemption applies are specified within the Waste Management (Exemptions from Licensing) (Jersey) Order 2006 (“the Order”).

1.4 The exempted activities are listed within the Schedule to the Order. For an activity to be exempted it must meet the following criteria -

- ◆ The person carrying on the activity must either be the owner of the land on which the activity is carried on or have the permission of the owner of the land to carry it on there.
- ◆ The person carrying on the activity must comply with the relevant conditions within the Order.

1.5 The exempted activities and their associated conditions are each discussed in Part 2. Some exemptions may eventually require registration with the Minister for Planning and Environment before the activity can take place. When such registration becomes a requirement, under the Law the following information will need to be provided to the Minister for Planning and Environment in writing -

- (a) the nature of the activity;
- (b) the person by whom it is to be carried on;
- (c) the place where it is to be carried on; and
- (d) the time or times when it will be carried on.

- 1.6 It should be noted that failing to comply with any condition results in the activity requiring a waste management licence and therefore makes the carrying on of the activity an offence under Article 23 of the Law.
- 1.7 It is also the case that carrying on an exempted activity in a manner that is likely to cause pollution is an offence under Article 23, even if the relevant conditions are being complied with.
- 1.8 Anyone found guilty of an offence under Article 23 shall be liable to imprisonment for a term not exceeding 2 years or to a fine, or both.
- 1.9 Part 2 of this guidance considers each exempted activity (and its relevant conditions) listed in Schedule 1 to the Order. For more information on waste management licences and related issues such as definitions of controlled wastes please refer to the document “Guidance Notes on the New Waste Management Licensing System”, available from the Waste Regulation Section of the Planning and Environment Department.
- 1.10 Many of the exemptions involve the storage of wastes, sometimes prior to another activity taking place. Where there is no time limit on such storage extended storage cannot be used as an alternative to proper disposal or recovery. Such storage must always be temporary in nature and storage beyond a reasonable period, without suitable justification, will be considered as an unlicensed deposit of waste and enforcement action taken accordingly.
- 1.11 A number of the exemptions require wastes to be stored securely or be in secure containers. The term “secure” means that all reasonable precautions must be taken to ensure that the waste cannot escape from the storage or container and that members of the public cannot gain access to the storage, unless it is for the purpose of depositing waste into it. Liquid wastes requiring secure storage should be in a secure container or containers. The container(s) should be twin-walled or surrounded by a bund wall that, ideally, could contain 185% (or at least 110%) of the maximum storage capacity. As an additional precaution, containers should not be stored within 10 metres of watercourses and 50 metres of boreholes and wells.
- 1.12 Most of the exemptions exclude hazardous and/or health care wastes and this is detailed within the conditions of the exemption. Where an exempted activity does permit hazardous and/or health care wastes, their movement must still be in accordance with the system for the notification and movement of such wastes required by the Law. For more information on this system please refer to the document “Guidance Notes on the Movement of Hazardous Waste and Healthcare Wastes in the States of Jersey”, available from the Waste Regulation Section of the Planning and Environment Department.

Part 2. Activities that are Exempt from Licensing

2.1 Exemption 1 - Burning of waste oil

1. (1) The burning of a controlled waste that is oil, as a fuel in an appliance with a net rated thermal input of less than 0.4 megawatts.
- (2) The secure storage of such waste at a place where it is to be burned in accordance with this paragraph.

- 2.1.1 This exemption allows oil to be burnt in a dedicated “appliance” - a proprietary oil burner/heater. The term “net rated thermal input” means the rate at which fuel can be burned at the maximum continuous rating of the appliance multiplied by the net calorific value of the fuel and expressed as megawatts thermal. The operational manual (or manufacturer/supplier) of an oil burning heater will advise on the rating of the appliance and the calorific value of waste oil.
- 2.1.2 The exemption also allows the secure (see paragraph 1.11) storage of waste oil at the place where it is to be used as a fuel.
- 2.1.3 Burning oil has the potential to cause pollution - it is essential to ensure that any appliance used is properly operated and maintained in accordance with the manufactures instructions.
- 2.1.4 Waste oil is a hazardous waste - see paragraph 1.12 concerning the movement of such wastes.

2.2 Exemption 2 - Recovery or reuse of specified wastes

2. (1) The carrying out of an activity specified in Table 1, in respect of a controlled waste shown in that table, if -
- (a) the activity is carried out with a view to the reuse or recovery of that waste; and
 - (b) the quantity of the waste that is dealt with in any period of 7 days does not exceed the limit specified in respect of that waste in Table 1.

Table 1

<i>Kind of waste</i>	<i>Activity</i>	<i>Limit (tonnes)</i>
Paper or cardboard	Baling, sorting or shredding	300
Textiles	Baling, sorting or shredding	10
Plastic	Baling, sorting, shredding, densifying or washing	100
Glass	Sorting, crushing or washing	100
Steel cans, aluminium cans or aluminium foil	Sorting, crushing, pulverising, shredding, compacting or baling	10
Food or drink cartons	Sorting, crushing, pulverising, shredding, compacting or baling	10

- (2) In this paragraph, “controlled waste” does not include hazardous waste or health care

- 2.2.1 This exemption requires that the activity must lead to the recovery or reuse of the waste. This recovery or reuse does not need to take place at the same site, nor does it need to be undertaken by the same person as that who carries out the exempt activity.
- 2.2.2 Each permitted activity is limited to a maximum processing limit for each kind of waste in any seven-day period. This limit, in tonnes, is for the weight of the waste **before** it is treated.
- 2.2.3 This exemption does not apply to hazardous or health care wastes.
- 2.2.4 This exemption should be read in conjunction with exemption 6 which specifies the associated storage limitations for the wastes listed in Table 1 above.

2.3 Exemption 3 - Composting biodegradable waste

3. (1) The composting of biodegradable controlled waste -
- (a) at a place where the waste is produced or the compost is to be used; or
 - (b) at any other place that is occupied by the person producing the waste or using the compost
- if the quantity that is at any time being composted does not exceed 1000 cubic metres.
- (2) The storage of such waste, at a place where the waste is produced or is to be composted, before it is composted.
- (3) In this paragraph, “controlled waste” does not include hazardous waste.

2.3.1 This exemption applies to biodegradable controlled wastes - any controlled wastes that can undergo microbial decomposition. There are pollution risks that can occur at composting sites, particularly from leachates and/or bioaerosols.

2.3.2 Leachate: Both water within the waste and surface water falling on the waste become contaminated with organic substances from the breakdown of the waste, producing what is known as leachate. If the composting is to take place using traditional windrows, these must be placed upon some form of impermeable surface with a sealed drainage system to collect the leachate. The collected leachate may be recirculated into the windrows or suitably disposed of.

2.3.3 Bioaerosols: Elevated numbers of micro-organisms are released into the air when any agitation of organic material occurs, be it turning, screening or shredding. The re-circulation of leachate may also release potentially pathogenic micro-organisms, which once released to the air can remain airborne for long periods of time forming what is known as a ‘bioaerosol’ – an aerosol of bacteria and fungal spores. There is a potential for these to be harmful to human health. Research¹ has shown that these bioaerosols generally reduce to background levels at a distance of 250 metres and therefore any site composting anything other than “green” wastes (grass, tree cuttings etc.) must carry out a risk assessment. The risk assessment should consider pathways and receptors, identify whether any monitoring is required and determine the extent of any control measures which may be required to reduce emissions².

2.3.4 Other pollution risks include odours and dust - suitable control measures need to be adopted to prevent or minimise these potential pollutants.

¹ *Technical Guidance on Composting Operations*, Version 3.0. Environment Agency. for External Consultation October 2001

² *Standardised Protocol For The Sampling And Enumeration of Airborne Micro-organisms At Composting Facilities*, Composting Association. 1999

2.3.5 Biodegradable controlled wastes can be composted at any of the following places -

- i. at the place where the waste being composted is produced;
- ii. at any other place occupied by the producer of that waste;
- iii. on the land where the compost produced is to be used; or
- iv. at any other place occupied by the person who produces the compost.

Composting in any other location will require a waste management licence.

2.3.6 The exemption also allows the storage of wastes which are to be composted, either at the site where the waste is produced or where it is to be composted. Storage of biodegradable wastes for any extended period is likely to result in the composting process beginning, with the associated pollution risks of leachates and/or bioaerosols. Care should be taken with such storage to ensure that no such pollution takes place, either by ensuring limited storage times or by applying the same protective measures as for the composting itself.

2.3.7 The exemption does not permit the composting of hazardous wastes. Any wood or other biodegradable wastes that contain, or are contaminated with, substances that render the waste hazardous may not be composted under the terms of this exemption to ensure that polluting leachate does not impact upon surface water and ground water.

2.4 Exemption 4 - Manufacture of finished goods

4. (1) The manufacture of finished goods, using controlled waste that consists of metal, plastic, glass, ceramics, rubber, textiles, wood, paper or cardboard.
- (2) The storage of such a waste at a place where the finished goods are to be manufactured, if -
- (a) the waste is to be used in their manufacture; and
 - (b) the total quantity of all wastes specified in sub-paragraph (1) that are for the time being stored at that place does not exceed 100 tonnes
- (3) In this paragraph, “controlled waste” does not include hazardous waste or health care waste.

2.4.1 This exemption provides for the reuse of controlled wastes by exempting from waste management licensing any activity that turns such wastes into finished goods. It only applies, however, to processes that result in finished goods - intermediate stages of waste processing may produce manufacturing feedstock that is no longer waste but these stages cannot be exempted from requiring a waste management licence by virtue of this exemption.

2.4.2 Examples of the type of activity that this exemption may cover are:

- i. The manufacture of paper products using waste paper.
- ii. The manufacture of glass products using waste glass cullet.

2.4.3 The exemption also allows the storage of wastes that are to be used in the manufacturing process, as long as the storage is at the site of manufacture and the total amount of waste stored at any one time is no greater than 100 tonnes.

2.4.4 This exemption does not apply to hazardous or health care wastes.

2.5 Exemption 5 - Beneficial use of waste

5. (1) The use of controlled waste in a way that is beneficial to the environment, if -
- (a) it is put to use without further treatment; and
 - (b) the use does not amount to disposal;
- (2) The storage of controlled waste at any place, if -
- (a) the waste is to be beneficially used in accordance with sub-paragraph (1); and
 - (b) the quantity that is for the time being stored at that place does not exceed 100 tonnes.
- (3) In this paragraph, "controlled waste" does not include health care waste.

2.5.1 This ensures that waste recovery or reuse operations which do not involve treatment of the waste are not subject to the waste management licensing regime. The other requirement is that the use must be "beneficial", thus requiring that the use is not false recovery or reuse but in fact is a practical application with demonstrable benefits.

2.5.2 The storage of controlled wastes which are to be subject to this exemption can take place anywhere as long as no more than 100 tonnes of waste are stored at any time. Hazardous waste should be securely stored.

2.5.3 This exemption does not apply to health care wastes.

2.6 Exemption 6 - Storage of waste

6. (1) The storage of a controlled waste specified in Table 2, at any place in secure containers or where it is otherwise securely kept, if -
- (a) the waste is to be reused, or to be subjected to any activity specified in Table 1 or to any other recovery process;
 - (b) the total quantity of the wastes specified in items (a), (b), (c), (d), (e), (f) and (g) of Table 2 that are for the time being stored at that place does not exceed in the aggregate the limit specified in respect of those wastes in Table 2;
 - (c) the quantity of any other waste specified in Table 2 and for the time being stored at that place does not exceed the limit specified in respect of that waste in Table 2;
 - (d) each different kind of waste specified in Table 2 and being stored at that place is stored there separately; and
 - (e) the period of storage at that place of any particular quantity of a kind of waste that is specified in Table 2 does not exceed 12 months

Table 2

	<i>Kind of waste</i>	<i>Limit</i>
(a)	Paper or cardboard	} Total } quantity } 1,000 tonnes } } } }
(b)	Textiles	
(c)	Plastics	
(d)	Glass	
(e)	Steel cans, aluminium cans or aluminium foil	
(f)	Food and drink cartons	
(g)	Articles that are to be used for construction work and are capable of being so used in their existing state	
(h)	Solvents	5 cubic metres
(i)	Refrigerants and halons	18 tonnes
(j)	Vegetable oils	20 tonnes
(k)	Mineral oils	3 cubic metres

- (2) In this paragraph, “controlled waste” does not include health care waste.

2.6.1 This is another exemption for the secure storage (see paragraph 1.11) of wastes that are intended for reuse or recovery.

2.6.2 A combination of the listed wastes may be stored under this exemption, as long as the aggregate quantity of wastes specified in (a) to (g) does not exceed 1,000 tonnes, the quantities of the other wastes do not exceed their individual limits and different wastes are stored separately from each other. Wastes must only be stored for a maximum of 12 months.

- 2.6.3 For wastes stored under (g), construction work can also include the repair, alteration or improvement of existing works , including preparatory work. Wastes must not require further processing before being used and must be articles, such as items from architectural salvage, rather than materials.
- 2.6.4 The kinds of waste listed in Table 2 include wastes that are hazardous - waste mineral oils, solvents, refrigerants and halons. These should be securely stored and the movement of such wastes must be in accordance with paragraph 1.12. This exemption does not apply to health care wastes.

2.7 Exemption 7 - Laundering, cleaning or selling waste

7. (1) The laundering, cleaning or selling of a controlled waste that is a textile, with a view to its reuse or recovery.
- (2) The storage of such waste at a place where it is to be cleaned, or laundered, with a view to its reuse or recovery.
- (3) In this paragraph, “controlled waste” does not include hazardous waste or health care waste.

- 2.7.1 This exemption must be carried out with the intention of the reuse or recovery of the textile.
- 2.7.2 Storage may only take place at the site where the textile is to be cleaned or laundered, although storage elsewhere may be exempted from requiring a waste management licence under the provisions of exemption 6.
- 2.7.3 This exemption does not apply to textiles that are health care wastes or textiles that are contaminated with substances that render the waste hazardous.

2.8 Exemption 8 - Reuse or recovery of wood and plant matter

8. (1) Any of the following activities, namely -
- (a) the chipping, shredding, cutting or pulverising of controlled waste consisting of wood, bark or other plant matter; or
 - (b) the sorting or baling of controlled waste consisting of sawdust or wood shavings,
- if the activity is carried out for the purposes of reuse or recovery, and the total quantity of such wastes that is dealt with in any period of 7 days does not exceed 1000 tonnes.
- (2) The storage of such a waste at a place where an activity described in sub-paragraph (1) is to be carried out, if -
- (a) the waste is to be used in that activity; and
 - (b) the total quantity of all wastes specified in sub-paragraph (1) that are for the time being stored at that place does not exceed 1000 tonnes.

2.8.1 This exemption allows the specified processing of waste plant matter in order to reduce the bulk of the waste and/or make it easier to manage its recovery or reuse. This processing need not take place at the site of final reuse or recovery and a maximum of 1000 tonnes can be processed in any seven-day period.

2.8.2 Waste to be subjected to the exempted processing method may be stored at the site where the processing is to take place, subject to a maximum of 1000 tonnes of all waste types being stored at any one time.

2.8.3 The exemption does not permit the processing of hazardous wastes. Any wood or other plant matter that contains, or is contaminated with, substances that render the waste hazardous may not be processed under the terms of this exemption.

2.8.4 Once the waste has been processed, it may still be a waste until its final recovery or reuse takes place unless it can be demonstrated that it meets a clearly defined specification.

2.9 Exemption 9 - Recovery of silver from photographic/copying waste

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| <p>9. (1) The recovery of silver from a controlled waste that is a photographic or copying waste, if the total quantity of such wastes that is being used in the activity does not exceed 500 litres per day.</p> <p>(2) The secure storage of such waste, if -</p> <p>(a) the waste is to be used for the recovery of silver; and</p> <p>(b) the total quantity of all wastes specified in sub-paragraph (1) that are for the time being stored at that place does not exceed 5000 litres,</p> |
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2.9.1 This exemption allows 500 litres per day of photographic or copying waste to be treated for the purpose of recovering the silver present in any such wastes. Up to 5,000 litres of such waste may be stored at the place where the recovery is to take place. If this is not where the waste was produced, exempted storage such as that provided by exemption 21 may be required.

2.10 Exemption 10 - Crushing or grinding of bricks, concrete etc.

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| <p>10. (1) Any crushing, grinding or other size reduction process, when applied to controlled waste that consists of bricks, tiles, concrete, stone or similar materials.</p> <p>(2) The storage of such a waste at a place where an activity described in sub-paragraph (1) is to be carried out, if -</p> <p>(a) the waste is to be used in that activity; and</p> <p>(b) the total quantity of all wastes specified in sub-paragraph (1) that are for the time being stored at that place does not exceed 5000 tonnes.</p> <p>(3) In this paragraph, “controlled waste” does not include hazardous waste or health care waste.</p> |
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2.10.1 This exemption does not require that the wastes are processed for the purpose of reuse or recovery. There is no restriction on the amount of waste that may be processed in any given time period and the activity may take place at any site.

2.10.2 Up to 5,000 tonnes of the wastes specified in the exemption may be stored at the site where the processing is to take place.

2.10.3 Wastes subjected to the processing allowed by this exemption may still be wastes when processed, in which case their continued storage and/or subsequent use may require a waste management licence unless it is covered by any other exemption. The end product of this exemption may, however, be immediately suitable for use (e.g. engineering fill for engineering/construction) and hence will no longer be a waste.

2.10.4 This exemption does not apply to hazardous or health care wastes.

2.11 Exemption 11 - Baling, compacting, crushing, shredding or pulverising of waste

- 11.** (1) The baling, compacting, crushing, shredding or pulverising of controlled waste at a place where it is produced.
- (2) The storage of controlled waste at a place where an activity described in subparagraph (1) is to be carried out, if the waste is to be used in that activity.
- (3) In this paragraph, “controlled waste” does not include hazardous waste or health care waste.

2.11.1 This exemption allows the baling, compacting, crushing, shredding or pulverising of waste at the site where it is produced.

2.11.2 It also allows waste that is to be subject to such an activity to be stored at a site where the activity is to take place. Where this is not the site of production of the waste then the activity that the waste will be subjected to will have to be licensed or covered by another exemption (e.g. exemption 2).

2.11.3 This exemption does not apply to hazardous or health care wastes.

2.12 Exemption 12 - Storage of returned goods

- 12.** The storage by the manufacturer, distributor or retailer of controlled waste that consists of returned goods, if -
- (a) they are to be reused or subjected to a recovery operation; or
- (b) they are being stored, pending disposal, at a place where the decision to dispose of them was made,
- and the period of storage at that place of any particular returned goods that are controlled waste does not exceed 6 months.

2.12.1 This exemption allows manufacturers, distributors or retailers to store for six months returned goods that have become controlled waste, either pending their reuse or recovery or whilst they are awaiting disposal (as long as the decision to dispose of them is made at the place where they are stored).

2.12.2 This exemption allows such businesses to accept returned goods from customers, for example faulty items requiring replacement, out-of-date products or trade-ins.

2.12.3 Once the goods have been returned, the business must then decide if they are suitable for reuse or recovery or if they must be discarded. It is at this point that the status of the goods as controlled waste or not is determined. Goods that must be discarded or subjected to a recovery operation are controlled wastes. Goods that can be reused, even if it involves some form of repair, are not likely to be controlled waste once the decision is made to reuse (and repair) them.

2.13 Exemption 13 - Incineration of waste at place of production

13. (1) The disposal of health care waste or municipal waste by the person producing it, by incineration at the place where it is produced.
- (2) However -
- (a) where the waste is health care waste, the exemption in sub-paragraph (1) only applies if the capacity of the disposal plant is less than 10 kilograms per hour; and
- (b) where the waste is municipal waste, the exemption in sub-paragraph (1) only applies if the capacity of the disposal plant is less than 50 kilograms per hour.
- (3) The secure storage of health care waste, or the storage of municipal waste, by the person producing it, at the place where it is produced, pending its disposal by incineration in accordance with this paragraph.
- (4) In this paragraph, “healthcare waste” and “municipal waste” do not include hazardous waste.

2.13.1 This exemption allows the small-scale incineration of health care or municipal waste by the producer of the waste at the site where it is produced. “Incineration” in the context of this exemption means the controlled burning of the waste in a plant designed and operated specifically for the purpose of incinerating waste. Any such plant must be maintained and operated in accordance with the manufacturers instructions and specifications in order to prevent the risk of pollution.

2.13.2 Depending on whether the waste is health care or municipal, different rates of incineration are allowed. The rate of incineration is to be determined by the actual capacity of the incinerator. Any incinerator to be used under this exemption must therefore have a design capacity equal to or less than the permitted incineration rate for the type of waste being incinerated. This exemption does not permit incineration restricted to the quantities of waste specified within the exemption by an incinerator with a capacity greater than those quantities - this would require a licence

2.13.3 For the purposes of this exemption, the weight of waste shall be determined by reference to its weight as fed into the incinerator.

2.13.4 Waste that is due to be incinerated under this exemption may be stored at the place where it is produced.

2.13.5 This exemption does not apply to hazardous waste.

2.14 Exemption 14 - Burning of wood, bark or other plant matter

14. (1) The burning on open land of controlled waste consisting of wood, bark or other plant matter, if -
- (a) the waste is produced in a forest, woodland, park, garden, verge, landscaped area, sports ground, recreation ground, churchyard or cemetery, or it is produced on other land as a result of demolition work;
 - (b) the burning is carried out on the land where the waste was produced; and
 - (c) the total quantity of such wastes that is burned in any period of 24 hours does not exceed 10 tonnes.
- (2) The storage of such waste, at a place where it is to be burned in accordance with this paragraph.
- (3) In this paragraph, “controlled waste” does not include hazardous waste.

2.14.1 This exemption allows the burning of waste on land in the open as long as it consists only of wood, bark or other plant matter and it is produced at a type of site listed in sub-paragraph 1(a). The waste must be burned on the land where it has been produced and no more than 10 tonnes may be burnt in any period of 24 hours.

2.14.2 The open burning of waste can give rise to pollution such as dark smoke. Care should therefore be taken to ensure that the waste is suitable to burn and that it burns cleanly.

2.14.3 The exemption also permits the storage of waste that is to be burnt under the exemption at the place where it is to be burned.

2.14.4 The exemption does not permit the burning of hazardous wastes. Any wood or other plant matter that contains, or is contaminated with, substances that render the waste hazardous may not be burnt or stored under the terms of this exemption.

2.15 Exemption 15 - Burning of wood, bark or other plant matter in a ceremonial bonfire

15. (1) The burning on open land of controlled waste consisting of wood, bark or other plant matter, in a traditional bonfire (for example, on Guy Fawkes' Night) or in a recognized ceremonial bonfire (for example, in celebration of an event such as the Millennium).
- (2) The storage of such waste, at a place where it is to be burned in accordance with this paragraph.
- (3) In this paragraph, "controlled waste" does not include hazardous waste or health care waste.

2.15.1 This exemption allows the burning of waste on land in the open as long as it consists only of wood, bark or other plant matter.

2.15.2 Whilst this exemption is not subject to same location and quantity restrictions as Exemption 14 it should be noted that it is restricted to recognised public events and any commercial activities involving bonfires are not exempt unless they meet the above requirements. It would be prudent to discuss the nature of the event with the Waste Regulation Section of the Planning and Environment Department prior to the activity taking place.

2.15.3 The open burning of waste can give rise to pollution such as dark smoke. Care should therefore be taken to ensure that the waste is suitable to burn and that it burns cleanly.

2.15.4 The exemption does not permit the burning of hazardous or healthcare wastes. Any wood or other plant matter that contains, or is contaminated with, substances that render the waste hazardous may not be burnt or stored under the terms of this exemption.

2.16 Exemption 16 - Temporary storage of waste from a ship

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| <p>16. The temporary storage of controlled waste deriving from the normal operations of a ship if -</p> <ul style="list-style-type: none">(a) the storage site is provided within harbour limits under the terms of an international instrument for such facilities;(b) the waste is to be transferred to another facility at which it may lawfully be disposed of or recovered; and(c) the waste is so transferred as soon as possible, and in any event within one month of its discharge from the ship. |
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2.16.1 This exemption allows the temporary storage of waste that has been produced by the normal operation of a ship, at a storage site provided within a harbour area under the terms of an international instrument such as the International Convention on Marine Pollution (London, 1973 - the MARPOL Convention).

2.16.2 Any wastes that are produced as a result of abnormal operations on a ship, for instance items that have become waste as a result of fire or breakdown, are not covered by this exemption and therefore must be removed to a properly licensed or exempted disposal or recovery facility without any intermediate storage.

2.16.3 The exemption requires that any wastes stored under its provisions are intended to be transferred to a properly licensed or exempted disposal or recovery facility and that this transfer must take place as soon as possible within one month of the waste being discharged from the ship.

2.17 Exemption 17 - Burial of animal carcasses

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| <p>17. (1) The burial of controlled waste that consists of an animal carcass, by its owner.</p> <p>(2) However, the exemption in sub-paragraph (1) does not apply -</p> <ul style="list-style-type: none">(a) in respect of a bovine or ovine animal; or(b) in any other case, if a recognized veterinary surgeon (as defined in Article 1 of the Veterinary Surgeons (Jersey) Law 1999) considers that the burial is hazardous because the animal is diseased or infected. |
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2.17.1 This exemption permits the burial of dead animals that are controlled waste, by the owner of the animal, with the exception of dead cattle and sheep. The exemption also does not apply to a dead animal that, due to disease or infection, a recognised veterinary surgeon has declared that it would be hazardous for the carcass to be so buried.

2.17.2 A “recognized veterinary surgeon” means a person whose name is entered on the list of recognized veterinary surgeons maintained under Article 6 of the Veterinary Surgeons (Jersey) Law 1999.

2.18 Exemption 18 - Deposit of samples of waste for analysis

18. (1) The deposit at any place of a sample of controlled waste that is to be analysed or tested, if -
- (a) it is the place where the analysis or testing is to take place; and
 - (b) the sample is taken for the purposes of bona fide research.
- (2) The storage of a sample to which sub-paragraph (1) refers, at the place where it is deposited in accordance with that sub-paragraph, pending its analysis or testing.
- (3) The analysis or testing of such a sample at the place where it is so deposited.

2.18.1 This exemption ensures that laboratories or other places where samples of waste may be taken for testing or analysis do not have to hold a waste management licence to accept such samples. Deposits of waste are only exempted at the site where the testing or analysis is to take place and the purpose of the testing or analysis must be for genuine research, i.e. in order to establish facts and/or reach conclusions by investigation. This exemption allows the deposit, storage and analysis/testing of samples of waste.

2.18.2 Once the samples have been tested or analysed this exemption will no longer apply and they must be suitably disposed of, unless they must be kept for the purpose of further testing or analysis that may be required in the future.

2.19 Exemption 19 - Storage of returned medicines at a pharmacy

19. The secure storage at a pharmacy of controlled waste that is a returned medicine, pending its lawful disposal elsewhere, if -
- (a) the total quantity of returned medicines that are controlled wastes and are for the time being stored at the pharmacy does not exceed 3 cubic metres; and
 - (b) the period of storage at the pharmacy of any particular returned medicine that is a controlled waste does not exceed 6 months.

2.19.1 This exemption allows the bulking up of returned medicines at a pharmacy to allow for suitable onward disposal. This exemption should assist schemes for the collection and responsible disposal of such wastes.

2.19.2 Medicines returned by householders are not subject to the internal movement procedures detailed in paragraph 1.12. The movement of the stored medicines for disposal on the Island would be subject to the internal movement procedures and their exportation for off-Island disposal would be subject to the procedures for transboundary controls - please refer to the guidance document entitled "The Waste Management (Jersey) Law 2005 - Guidance on the import and export of waste" for such movements.

2.19.3 The exemption allows the secure storage (see paragraph 1.11) of up to three cubic metres of such wastes for no longer than six months.

2.20 Exemption 20 - Storage of health care waste at specified sites

- 20.** The storage of any health care waste, at a place specified in paragraph (2), if -
- (a) the quantity of the waste that is for the time being stored at that place does not exceed 3 cubic metres;
 - (b) the period of storage at that place of any particular quantity of the waste does not exceed 6 months; and
 - (c) where the controlled waste is hazardous waste, it is in secure containers.
- (2) The places to which this paragraph refers are -
- (a) the place where the waste is generated; and
 - (b) a laundry facility maintained for such waste by the Minister for Health and Social Services.

2.20.1 This exemption allows health care waste to be temporarily stored at the place where it was produced. A maximum of three cubic metres may be stored, with no part of the waste being stored for longer than six months.

2.20.2 This exemption is similar to that provided by exemption 22, but with greater restrictions being placed on the amount and duration of storage. This is due to the potentially hazardous or polluting qualities of health care wastes, such as the carriage of infectious diseases or the harmful/toxic effects of certain medicines. Where such waste is hazardous in nature it must be stored in secure containers (see paragraph 1.11).

2.21 Exemption 21 - Storage of household waste pending collection

- 21.** The storage of household waste that is not hazardous waste, pending its collection or transport, if -
- (a) the quantity of the waste that is for the time being stored at that place does not exceed 20 cubic metres; and
 - (b) the period of storage at that place of any particular quantity of the waste does not exceed one month.

2.21.1 This exemption allows non-hazardous household waste to be temporarily stored at the place where it was produced.

2.21.2 A maximum of 20 cubic metres may be stored, with no part of the waste being stored for longer than one month.

2.21.3 The purpose of this exemption is to exempt the normal storage of waste in household bins pending collection by the local parish refuse collection service or similar collection.

2.21.4 This exemption includes the deposit of skips or secure containers on or adjacent to the premises where the waste is produced for building or other works, but only for purposes of the law and does not exempt the user or owner of the container from other legislative requirements.

2.22 Exemption 22 - Storage of waste at site other than at site of production

- 22.** The storage of controlled waste that is neither hazardous waste nor waste in liquid form, at any place (other than that where it was produced) pending its collection or transport, if –
- (a) the waste is in secure containers;
 - (b) the quantity of the waste that is for the time being stored at that place does not exceed 50 cubic metres;
 - (c) the period of storage at that place of any particular quantity of the waste does not exceed 3 months; and
 - (d) the place of storage is not designed or purposely adapted for the reception and transfer of waste.

2.22.1 This exemption applies to the storage wastes at sites other than where they were produced, prior to their being disposed of or recovered.

2.22.2 The exemption is only for non-hazardous solid wastes, which must be in secure containers (see paragraph 1.11).

2.22.3 The maximum amount that may be stored at any one time is 50 cubic metres and no wastes may be stored for longer than three months.

2.22.4 The two final criteria for this exemption, that the place of storage is not designed or adapted for the reception and transfer of waste and that the storage is incidental to the collection or transport of the waste, ensure that the licensable activities of a purposely designed waste transfer station are not covered by the exemption. This exemption is intended to cover the type of storage of wastes that can occur at yards and depots where wastes from different places can be brought together pending collection for onward disposal or recovery.

2.22.5 Examples of the type of activity that this exemption may cover are:

- i. The gathering of wastes from multi-occupied premises into shared containers for collection.
- ii. The gathering of wastes produced by a contractor at various sites into a container at a single yard or depot.
- iii. The temporary siting of containers holding wastes prior to their being taken to a recycling or disposal facility.

2.23 Exemption 23 - Temporary storage of waste at place of production pending collection

- 23** (1) The temporary storage of controlled waste at the place where it was produced, pending its collection or transport, if -
- (a) where the waste is a hazardous waste in liquid form, it is in secure containers and does not for the time being exceed a total of 2500 litres; and
 - (b) where the waste is a hazardous waste in non-liquid form, it is either in secure containers and does not for the time being exceed a total of 5 cubic metres, or it is in other secure storage and does not for the time being exceed a total of 3 cubic metres,
- and the period of storage of any particular quantity of the waste does not in any event exceed 2 years, other than in the circumstances described in sub-paragraph (2).
- (2) Where the waste is to be exported from Jersey, and its export is delayed for reasons beyond the control of the person on whose behalf it is stored, the period to which sub-paragraph (1) refers shall be such longer period as the Minister allows.

2.23.1 This exemption allows the general storage of waste at the site where it is produced, pending its collection for onward disposal or recovery. Storage is allowed for up to two years, although wastes which are to be exported from the Island may be stored for a longer period if the export is delayed through no fault of the person storing it - in this circumstance the Minister must be informed and he may then allow a longer period of storage. There is no limit on the quantity that may be stored, unless the waste is classed as hazardous waste.

2.23.2 Hazardous wastes must be stored securely (see paragraph 1.11). Liquid hazardous wastes must be stored in secure containers and the maximum quantity that may be stored at any one time must not exceed 2500 litres. Solid hazardous wastes must be either in secure containers to a maximum quantity of 5 cubic metres or be in some other secure storage to a maximum quantity of 3 cubic metres.

2.23.4 The movement of hazardous waste from such storage for disposal or recovery on the Island would be subject to the internal movement procedures (see paragraph 1.12). Exportation of such waste for off-Island disposal would be subject to the procedures for transboundary controls - please refer to the guidance document entitled "The Waste Management (Jersey) Law 2005 Guidance on the import and export of waste" for such movements.

2.24 Exemption 24 - Reception and treatment of liquid waste at Bellozanne treatment works

24. The reception and treatment of a controlled waste in liquid form at the Bellozanne sewage treatment works, if it is disposed of by direct introduction to the treatment process as soon as is reasonably practicable after it is brought into the Bellozanne sewage treatment works.

2.24.1 This is a straightforward exemption for the disposal of liquid wastes by treatment at the Bellozanne sewage treatment works. The works must be contacted beforehand to ensure that the waste is acceptable for treatment by the works and that the waste can be introduced to the works as soon as it arrives at the site.

2.24.2 This exemption does not permit the storage of any wastes prior to treatment.

2.25 Exemption 25 - Storage of wastes on ships in Island waters

25. (1) The storage, on a ship that is temporarily in Jersey waters in the course of a voyage, of controlled waste that is derived from the normal operations of that ship, pending the eventual discharge of the waste either at an appropriate facility within harbour limits in the Island or at an appropriate facility outside Jersey.

(2) In sub-paragraph (1), “appropriate facility” means a facility at which the waste may lawfully be discharged

2.25.1 This exemption allows ships that come within Island waters during the course of a voyage to store controlled wastes from normal operations of the ship on board. These wastes may be stored pending discharge to an appropriate facility (one where such wastes may lawfully be discharged), either within harbour limits in the Island (see Exemption 16) or outside the Island.

APPENDIX 1 - EXEMPTION REGISTRATION FORM

States of Jersey
 Planning and Environment Department
 Waste Management (Jersey) Law 2005 - Article 24

Exemption Registration Form (JWL007)

Please refer to **Guidance Notes on Exemptions From Waste Management Licensing**

1. Activity to be registered	
Exemption number	
Please give details of exempted activity to be carried out, including details of wastes to be used	
example	

2. Person carrying on the activity	
Full name, surname first then all forenames	
Address	
	Postcode
Telephone number	
Do you own the land detailed in 3 below?	
If no, do you have the landowners permission?	

3. Location of the activity	
Site name (if applicable)	
Full site address	
	Postcode
Ordnance Survey National Grid Reference	

4. Duration of activity			
When will the activity be carried out?	Days	From	To
	Monday to Friday	:	:
	Saturday	:	:
	Sunday	:	:
	Bank/public holidays	:	:

When complete, please return this form to: [refer to address on original form]