



Jersey

## WASTE MANAGEMENT (EXEMPTIONS FROM LICENSING) (JERSEY) ORDER 2006

### Arrangement

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## WASTE MANAGEMENT (EXEMPTIONS FROM LICENSING) (JERSEY) ORDER 2006

*Made*

*24th October 2006*

*Coming into force*

*in accordance with Article 3(2)*

**THE MINISTER FOR PLANNING AND ENVIRONMENT**, in pursuance of Articles 24 and 108 of the Waste Management (Jersey) Law 2005<sup>1</sup>, orders as follows –

### **1 Interpretation**

- (1) For the purposes of this Order, the storage of waste is secure if the following conditions are fulfilled –
  - (a) all reasonable precautions are taken to ensure that the waste so stored cannot escape from the storage place;
  - (b) where the waste is liquid waste, it is stored in a secure container; and
  - (c) all reasonable precautions are taken to ensure that members of the public cannot obtain unauthorized access to the storage place.
- (2) For the purposes of this Order, a container is secure if the following conditions are fulfilled –
  - (a) all reasonable precautions are taken to ensure that the waste in the container cannot escape from it;
  - (b) where the container contains waste, the container is not situated within 10 metres of a watercourse or within 50 metres of a borehole or well;
  - (c) where the container contains liquid waste, the container is either twin-walled or is surrounded by a bund wall that can contain not less than 110% of the maximum amount of waste that the container can hold; and
  - (d) all reasonable precautions are taken to ensure that members of the public cannot obtain unauthorized access to the container.

**2 Exempt activities**

The prohibition in Article 23(1) of the Waste Management (Jersey) Law 2005 shall not apply to an activity specified in the Schedule to this Order if Article 24(3) of that Law is complied with in respect of the activity.

**3 Citation and commencement**

- (1) This Order may be cited as the Waste Management (Exemptions from Licensing) (Jersey) Order 2006.
- (2) This Order comes into force on the same day as Article 113 of the Waste Management (Jersey) Law 2005.

**SENATOR F.E. COHEN**

*Minister for Planning and Environment*

**SCHEDULE**

(Article 2)

**ACTIVITIES THAT ARE EXEMPT FROM LICENSING**

**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) 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 for the purposes of the reuse or recovery of the 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	Sorting, baling or shredding	300
Textiles	Sorting, baling or shredding	10
Plastic	Sorting, baling, shredding, densifying or washing	100
Glass	Sorting, crushing or washing	100
Steel cans, aluminium cans or aluminium foil	Sorting, baling, compacting, crushing, pulverising or shredding	10
Food or drink cartons	Sorting, baling compacting, crushing, pulverising or shredding	10

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

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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.

**4**

- (1) The manufacture of finished goods, using controlled waste that consists of metal, ceramics, glass, plastic, textiles, rubber, wood, paper or cardboard.
- (2) The storage of such 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.

**5**

- (1) The use of a 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 a 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.

**6**

- (1) The storage, at any place in secure containers or where it is otherwise securely kept, of a controlled waste specified in Table 2, if –
  - (a) the waste is to be subjected to any activity specified in Table 1, or is to be otherwise reused or subjected to any recovery process;
  - (b) the total quantity of all 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 that is 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 that is 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	}
(b)	Textiles	}
(c)	Plastics	}
(d)	Glass	} Total
(e)	Steel cans, aluminium cans or aluminium foil	} quantity
(f)	Food and drink cartons	} 1000 tonnes
(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.

**7**

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

**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 all such wastes that are dealt with in any period of 7 days does not exceed 1000 tonnes.
- (2) The storage of such 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.

(3) In this paragraph, “controlled waste” does not include hazardous waste.

**9**

(1) The recovery of silver from a controlled waste that is produced in connection with a printing or photographic process, if the total quantity of all such wastes that are being used in the activity does not exceed 500 litres per day.

(2) The secure storage of such waste, if –

(a) the waste is to be used for the recovery of silver; 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 5000 litres.

**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.

(2) The storage of such 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 5000 tonnes.

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

**11**

(1) The baling, compacting, crushing, pulverising or shredding of controlled waste at a place where it is produced.

(2) The storage of controlled waste at a place where an activity described in sub-paragraph (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.

**12** The storage of controlled waste that consists of returned goods, by the manufacturer, distributor or retailer of those 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.



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**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 subparagraph (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 subparagraph (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, “health care waste” and “municipal waste” do not include hazardous waste.

**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 or on 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 all such wastes that are 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.

**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.

**16**

- The temporary storage of controlled waste deriving from the normal operations of a ship if –
- (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.

**17**

- (1) The burial of controlled waste that consists of an animal carcass, by its owner.
- (2) However, the exemption in sub-paragraph (1) does not apply –
  - (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.

**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 secure 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.

**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 all 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.

**20**

- (1) The secure 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 stored 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.

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- 21** The storage at any place pending collection or transport of household waste that is not hazardous waste, 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.
- 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 collection or transport, if –
- (a) the waste is stored 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.
- 23**
- (1) The temporary storage of controlled waste at the place where it was produced, pending collection or transport, if –
    - (a) where the waste is a hazardous waste in liquid form, it is stored 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 stored 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 Committee allows.
- 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 reasonably practicable after it is brought into the Bellozanne sewage treatment works.
- 25**
- (1) The secure 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 Jersey or at an appropriate facility outside Jersey.
  - (2) In this paragraph, “appropriate facility” means a facility at which the waste may lawfully be discharged.

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<sup>1</sup>

*L.7/2005*