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**Environment
Agency**

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Guidance

Storing treated sewage sludge you cannot move because of COVID-19 restrictions: RPS C6

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This COVID-19 regulatory position statement (RPS) only applies to sludge producers who store their dewatered treated sludge not at the place it will be used.

If you follow the conditions in this COVID-19 RPS you can store dewatered treated sludge without an environmental permit.

You must get written agreement from your Environment Agency water company account manager before you use this COVID-19 RPS.

Sludge has the same meaning as in the Sludge Use in Agriculture Regulations (SUiAR):

“Sludge means residual sludge from sewage plants treating domestic or urban waste waters and from other sewage plants treating waste waters of a composition similar to domestic and urban waste waters.”

You must do a risk assessment to identify the environmental risks. You must make sure you adequately address these risks before you store any sludge.

When this COVID-19 RPS applies

This COVID-19 RPS only applies if you:

- are unable to move treated sludge to agricultural land for use under SUiAR
- can demonstrate that you have already taken all reasonable steps

Reasonable steps include:

- contingency planning to avoid or minimise disruption to your business because of COVID-19
- emergency response planning to minimise the impact and duration of not complying with your permit or exemption

This COVID-19 RPS does not apply to any other activity, even if it is under the same legislation. You may still need other permits, exemptions or licences for other activities you carry out.

Conditions you must comply with

You must:

- only store dewatered treated sludge which meets the descriptions in Waste codes for sewage sludge and sludge containing other materials: RPS 231 (<https://www.gov.uk/government/publications/waste-codes-for-sewage-sludge-and-sludge-containing-other-materials-rps-231>) – this does not include septic tank sludge (which can go to a sewage works) and waste containing sewage sludge (which is covered by the Environmental Permitting Regulations)
- only store sludge which has been treated in line with SUiAR, Sewage sludge in agriculture: Code of practice for England, Wales and Northern Ireland (<https://www.gov.uk/government/publications/sewage-sludge-in-agriculture-code-of-practice>), and the Safe Sludge Matrix (<http://adlib.eversite.co.uk/resources/000/094/727/SSMatrix.pdf>)
- as the sludge producer, remain in control of the stored treated sludge
- meet all of the environmental protection requirements of the S3 waste exemption (<https://www.gov.uk/guidance/waste-exemption-s3-storing-sludge>) except for the storage quantity limit and the requirement to store the treated sludge at the place where it will be used
- only store treated sludge up to 3,000 tonnes in a location at any one time

- only store treated sludge where the dewatered treated sludge is stackable – this means the material is solid enough to be stacked in a free-standing heap without slumping and does not allow free drainage from within the stacked material

You must comply with all the other requirements of your environmental permit or exemption. You must keep records that show why you needed to use this COVID-19 RPS. For example, records of:

- staff absences
- contractors being unavailable to deliver sludge to farms
- supply chain failures

You must keep these records for 24 months after this COVID-19 RPS expires, including any extensions to it. You must make them available to the Environment Agency on request.

You must make sure your activities do not endanger human health or the environment.

You must not:

- cause a risk to water, air, soil, plants or animals
- cause a nuisance through noise or odours
- adversely affect the countryside or places of special interest

Places of special interest include but are not limited to:

- European sites (Special Areas of Conservation and Special Protection Areas)
- Ramsar sites
- Sites of Special Scientific Interest
- national and local nature reserves
- Areas of Outstanding Natural Beauty
- Marine Conservation Zones
- National Parks

You must continue to notify us of any performance issues or pollution incidents as required by your permit.

Enforcement

This COVID-19 RPS means that the Environment Agency will not normally take enforcement action against you provided:

- your activity meets the description set out in this COVID-19 RPS
- you comply with the conditions set out in this COVID-19 RPS
- your activity does not, and is not likely to, cause environmental pollution or harm human health
- you have taken all reasonable steps to comply with your permits or exemptions

If you operate under this COVID-19 RPS and think you may no longer be able to comply with its conditions you must tell your water company account manager immediately.

The Environment Agency will monitor how operators use and comply with this COVID-19 RPS through its proportionate, risk-based inspection and monitoring activity.

When to check back

This COVID-19 RPS will be withdrawn on 30 June 2020 unless we extend it. After this date you must comply with your permits.

Contact the Environment Agency

Contact your water company account manager to get written agreement to use this COVID-19 RPS.