

## Transitional technical competence provisions for operators of previously exempt activities now requiring a permit: Chartered Institution of Wastes Management (CIWM)/Waste Management Industry and Training Advisory Board (WAMITAB) competence scheme

### Summary

Some previously exempt waste activities now require an environmental permit. Operators must demonstrate they are competent to hold a permit. Special provisions are made for operators moving from an exemption to a permit. These provisions apply to individuals who held a management role in relation to an exempt activity which now requires a permit.

Those individuals moving from an exemption to a permit can demonstrate technical competence by taking an initial test. This test is available through the CIWM/WAMITAB scheme

An operator has 12 months from the date their first permit is issued to arrange for all nominated managers to pass the competence test. This means that the issue of a permit will not be delayed by the need to demonstrate competence. A summary of the requirements can be found in table 1.

These special provisions do not apply to anaerobic digestion activities.

### Transitional activities

Operators who had exempt activities registered with us on 5 April 2010, that will move into permitting, will need to advise us who these managers are at the time of their first permit application.

This applies to an operator who starts an activity that is covered by one of our new Standard Rules permits (anaerobic digestion activities are excluded), which have replaced existing exemptions.

The nominated managers must have had a responsibility to control the activities covered by the registered exemption.

All nominated managers must pass the test within 12 months of the first permit being issued.

Their competence level will then be accepted as being the same as someone who has achieved the equivalent level of competence in the scheme for the Standard Rules permit that has replaced the exempt activity.

The test is generic for all operators of transitional sites and is based on the same platform as the existing continuing competence test. The cost is expected to be between £80 - £100 per candidate per test.

Following demonstration of initial competence all competent managers will be:

- required to fit into the next and subsequent continuing competence periods and pass relevant activity-specific continuing competence tests in the same way as any other competent person;
- considered competent for any other facility undertaking the same activity.

If a permit application for a transitional activity is not submitted by the required transition date, an individual manager will not be able to take advantage of these provisions.

### Using nominated managers for further permit applications

If subsequent permit applications are made for the same activity, using the same managers to provide technical competence, then the operator must refer to the original permit application number for these managers to be accepted.

These managers must still pass the test within 12 months of the original permit being issued.

Table 1 – Summary of requirements

| Type of Operator  | Type of Facility  | Competence required   |
|-------------------|---|---|
| Existing Operator | Existing (exemption registered for that activity at 5th April 2010)   | <ul style="list-style-type: none"> <li>• Simple test (multiple choice, computer-based test).</li> <li>• Nominated managers must be notified to us at time of application.</li> <li>• Nominated managers have 12 months from permit issue to pass the simple test</li> <li>• Once the simple test is passed managers will then fall into the next continuing competence period requirements (e.g. test passed 15/02/2011, continuing competence test required by 1 March 2013).</li> </ul> |
| Existing Operator | New facility at new location, but of the same type of activity as those registered exempt by the operator at 05/04/10 | <ul style="list-style-type: none"> <li>• Operator can choose to nominate the same managers as those nominated for existing sites (as above).</li> <li>• All nominated managers must pass the simple test within 12 months of the permit for the <u>existing activity</u> being issued.</li> </ul>   |
| Existing Operator | New facility, new location and new type of activity   | <ul style="list-style-type: none"> <li>• No special provision – normal competence requirements apply.</li> </ul>  |
| New Operator      | New facility  | <ul style="list-style-type: none"> <li>• No special provision – normal competence requirements apply.</li> </ul>  |

## Examples

### Example 1

Operator A has a Paragraph 19 (use of waste in construction) activity registered as exempt at 05/04/2010. If the operator wishes to continue this activity at this site, they must have applied for a permit by 01/10/2011. The permit is then issued on 01/01/2012. All individuals nominated as providing technically competent management for the newly permitted activity must now pass the simple competence test by 01/01/2013.

### Example 2

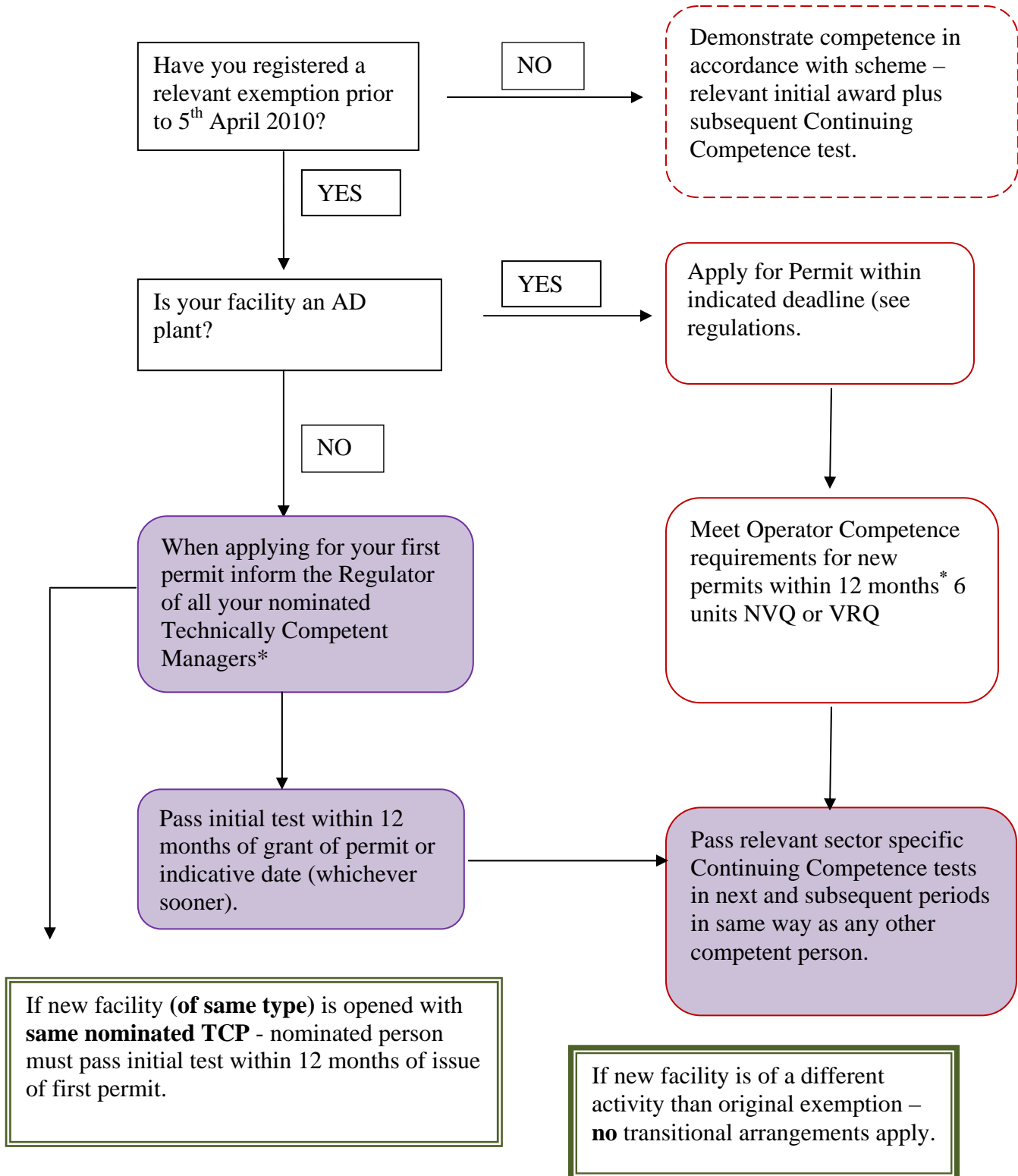
Following on from example 1, the same operator also wants to apply for a new use of waste in construction permit at a new site. They can nominate the same managers to provide technically competent management as scenario A and the same deadline for passing the competence test in example 1 (01/01/2013) will apply.

### Example 3

Operator B has a Paragraph 19 (use of waste in construction) activity registered as exempt at 05/04/2010. The operator makes the new permit application for a different site on 01/06/2010 and nominates the managers from the existing exempt activity to provide technically competent management. The permit for the new site is issued 01/10/2010. Even where the operator does not apply for a permit for the original exempt site by the due date (01/10/2011) the operator will still be able to take advantage of these transitional provisions providing the nominated managers pass the simple test by 01/10/2011.

## Technical competence provisions: CIWM/WAMITAB competence scheme

The following flowchart illustrates the technical competence requirements as they apply to various scenarios:



\*NB – in order to benefit from this provision an operator must make an application for a permit before the designated transition date in the regulations. Details of those dates can be seen at [www.environment-agency.gov.uk/exemptions](http://www.environment-agency.gov.uk/exemptions).