

The Compaction of Offensive Healthcare Wastes

The compaction of offensive¹ waste (as defined in the Controlled Waste (England and Wales) Regulations 2012) can cause pollution, for example, through odorous emissions to air or release of liquids to surface water.

There is unlikely to be a risk of pollution if compaction is limited to “light compaction” that is, compaction of offensive waste in bags where the nature of the compaction is such that it is unlikely to result in any bags splitting and which is carried out only to move bags along a container.

Heavier compaction, which might result in the bags splitting, is likely to lead to the release of odorous emissions and pathogens to air, or liquids to surface or groundwater which poses an unacceptable level of pollution if not captured.

This note has been produced to try and provide some clarity around the compaction of offensive wastes (note, you must not compact infectious wastes).

Compaction - storage of waste pending or to facilitate collection

The temporary storage of waste pending collection does not need to be authorised by an environmental permit providing it falls within the terms of one of the exclusions set out on Part 5 of schedule 3 of the Environmental Permitting (England and Wales) Regulations 2016 (EPR) which are set out in [Annex 1](#) below. However, it is a criminal offence under section 33(1)(c) of the Environmental Protection Act 1990 to treat, keep or store waste in a manner that is likely to cause pollution.

Where the storage activity falls within one of the exclusions, ancillary treatment that facilitates the collection and transportation only of waste may also be carried out but this does not extend to any treatment of the waste which would result in any change in its characteristics or that poses a risk of pollution. The treatment by way of compaction of offensive waste pending or to facilitate collection must be limited to “light compaction” where the nature of the compaction is such that it is unlikely to result in any bags splitting and which is carried out only to move bags along a container. Heavier compaction would not be applicable under these exclusions as it may change the characteristics and would be likely to cause pollution.

The terms of the exclusions applicable to either temporary storage of waste at a place controlled by the producer or a collection point, both provide that where more than one type of waste is stored, the types are not mixed. Therefore, if offensive waste is stored with another type of waste, the offensive waste must remain bagged, identifiable and easily separated and the resulting waste must be dual coded when removed (e.g. 18 01 04 and 20 03 01 if the light compaction of offensive waste and black bag waste was to take place).

¹ “offensive waste” means waste that—

- (a) is not clinical waste,
- (b) contains body fluids, secretions or excretions, and
- (c) falls within code 18 01 04, 18 02 03 or 20 01 99 in Schedule 1 to—
 - (i) the List of Wastes (England) Regulations 2005(**d**), in relation to England, or
 - (ii) the List of Wastes (Wales) Regulations 2005(**e**), in relation to Wales;

Compaction at a permitted waste facility

An operator must not carry out any waste activity unless and to the extent that it is authorised under a permit. A permit will specify the type of activities that can be carried out and may provide limitations on that activity.

Compaction prior to disposal will fall under either a D9 or D14 operation for disposal or R12 if undertaken prior to recovery and should be limited as set out below:

- a. D14 or R12 repackaging operation – this authorises compaction which is limited to a light compaction (that is, the bags are unlikely to split), to move bags along a container with no likelihood of odours or liquids being released².
- b. D9 physico-chemical treatment or R12 operation - this activity must be included in the permit if the compaction is likely to result in the bags splitting and odours or liquids being released that would need to be captured.

As part of the permit determination process, the Environment Agency will always require written justification from the operator to demonstrate that the activity will **not** need to be authorised as physico-chemical treatment in the permit.

Standard rules permit (SR2008 No. 25: Clinical waste and healthcare waste treatment and transfer station)

Although this permit authorises a D9 physico chemical treatment operation and a D14 repackaging operation, it specifically limits the compaction of waste to wastes that have already been treated on site. Therefore, operators with this standard rules permit would be required to apply for a bespoke permit if they wanted to carry out the compaction of offensive waste prior to treatment.

Bespoke Permit

Where we do authorise the compaction as a D9 physico chemical treatment operation or R12 operation, we would require procedures to be in place detailing how releases will be minimised and contained and setting out the monitoring requirements to ensure it was suitably contained and if required, abated. The advice is set out in guidance EPR5.07 on Clinical Waste:

Compaction of clinical and offensive hygiene waste

Poor handling or compaction of waste can result in the release of body fluids that may contain pathogens.

These may infect through the eye, nose and mouth tissues, through cuts, and by inhalation or ingestion.

Appropriate measures

- 1 You must not compact or compress clinical waste by mechanical or manual means.
- 2 If you compact or compress offensive/hygiene wastes you must have detailed procedures to contain and minimise the release of body fluids, micro-organisms, and liquid discharges.
- 3 Conduct monitoring to demonstrate that your procedures are effective, to highlight releases and their causes, and to identify potential improvements. This could, for example include, monitoring of worker face visor protection and body clothing to determine visible and non visible releases via blood splashes.

² RGN 2 provides an example of 'Repackaging' as '*bulking up from one container to another e.g. drum to tank, drum to IBC*'. In this instance the operator will be bulking up from a wheeled cart to a compactor skip

Annex 1 Exclusions in Schedule 5, Part 5 of EPR

General and interpretation

1.—(1) The descriptions in this Part are set out in the first sub-paragraph of each paragraph.

(2) The conditions for each description are set out in the second sub-paragraph of each paragraph.

(3) In this Part—

“collection” has the same meaning as in Article 3(10) of the Waste Framework Directive;

“collection point” means a place which is used for the collection of waste by an establishment or undertaking where the establishment or undertaking does not—

(a) receive payment for collecting the waste, or

(b) collect waste as its main business activity;

“place of production” has the meaning given in paragraph 1(1) of Part 1 of this Schedule.

(4) For the purposes of this Part, a container, lagoon or other place is secure in relation to waste kept in it if—

(a) all reasonable precautions are taken to ensure that the waste cannot escape from it, and

(b) members of the public are unable to gain access to the waste.

Temporary storage at the place of production

2.—(1) The temporary storage of any waste at the place of production, pending its collection.

(2) For the purposes of this paragraph, the conditions are—

(a) no waste is stored for longer than 12 months, and

(b) the waste is stored in a secure place.

Temporary storage of waste at a place controlled by the producer

3.—(1) The temporary storage of any waste, pending its collection, at a place controlled by the producer of the waste.

(2) For the purposes of this paragraph, the conditions are—

(a) the producer has control over the waste and the storage place,

(b) the waste does not contain or consist of—

(i) unbonded asbestos, or

(ii) any substance with a flash point of less than 21 degrees Celsius,

(c) the operation is not carried on in the course of providing a waste management service to another person,

(d) the waste is stored in a secure place,

(e) where more than one type of waste is stored, the types are not mixed,

(f) no waste is stored for longer than 3 months,

(g) in relation to non-liquid waste, the total quantity stored at any one time does not exceed 50 cubic metres, and

(h) in relation to liquid waste—

(i) the total quantity stored at any one time does not exceed 1,000 litres, and

(ii) the waste is stored in a container with secondary containment.

Temporary storage at a collection point

4.—(1) The temporary storage of waste at a collection point for the purposes of recovering or disposing of the waste elsewhere.

(2) For the purposes of this paragraph, the conditions are that—

(a) the waste does not contain or consist of—

(i) asbestos;

(ii) any substance with a flash point of less than 21 degrees Celsius,

(b) where more than one type of waste is stored, the types are not mixed,

(c) in relation to WEEE, the total quantity of waste stored at any one time does not exceed 30 cubic metres,

(d) in relation to non-hazardous waste that—

(i) is not WEEE, and

(ii) is to be recovered elsewhere,

the total quantity of waste stored any one time does not exceed 50 cubic metres, and

(e) in relation to waste not covered by paragraph (d) or (e), the total quantity of waste stored at any one time does not exceed 5 cubic metres.