

**Sent via email**

Date: 18 September 2020

## **Update for our regulatory stakeholders**

Throughout the last 6 months we have endeavoured to keep you up to date on what we are doing to adapt our regulation and support you during the ongoing Covid-19 situation. Along with these updates, we have continued to be active on social media and we have kept our website up to date with the latest news.

This is a further update, including some upcoming changes to the COVID-19 Regulatory Position Statements (COVID-19 RPSs) and to provide an update on our permitting service.

We remain fully operational. Many of our offices are now open. Our frontline teams have returned to near normal compliance and enforcement work and continued with our flood risk construction projects. We continue to be innovative in our regulatory roles and where appropriate have increased our use of digital technologies to drive greater efficiencies and improve environmental outcomes.

For a general update on all the Environment Agency's activities, please read our latest operational update: <https://www.gov.uk/government/news/coronavirus-environment-agency-update>. For specific queries please continue to speak to your normal Environment Agency contact, by email if possible.

## **Statement of our regulatory response to the coronavirus outbreak**

We recognise the difficulties that some of those we regulate continue to face as a result of the coronavirus situation. In particular, we recognise that because of the continuing pandemic and government restrictions, it may not be possible for those we regulate to comply fully with regulatory requirements for reasons beyond their control. Our statement of our regulatory response to the coronavirus outbreak therefore remains in place. It sets out our approach to regulation and enforcement for those affected by the coronavirus outbreak and can be found here: <https://www.gov.uk/government/publications/environment-agency-regulatory-response-to-coronavirus/environment-agency-regulatory-response-to-coronavirus>.

## **COVID-19 Regulatory Position Statements**

Many of those we regulate continue to be supported by our time-limited COVID-19 RPSs for certain regulatory requirements. They are available here: <https://www.gov.uk/government/collections/covid-19-regulatory-position-statements>.

These COVID-19 RPSs help minimise risks to the environment and human health where compliance with certain regulatory requirements may not be possible. They also cover specific circumstances where we are relaxing normal regulatory requirements to avoid increasing risks to the environment or human health during the particular circumstances of

the coronavirus outbreak. Each COVID-19 RPS sets out when it applies and the conditions that must be complied with.

We currently have 14 time limited COVID-19 RPSs in place, 13 of which are due to expire on 30 September 2020 and one which is due to expire on 30 November 2020.

We have recently reviewed the ongoing need for the 13 COVID-19 RPSs which are due to expire on the 30 September 2020. We have made the decision to allow six of these COVID-19 RPSs to expire on the 30 September 2020 as planned and extend five of the COVID-19 RPSs to 31 March 2021.

For the remaining two COVID-19 RPSs, COVID-19 RPS C7 and C10, which relate to monitoring and reporting, we understand the majority of monitoring activities and subsequent reporting of results can now be carried out more or less normally, significantly reducing the need to rely on these COVID-19 RPSs. However, we recognise that some of those we regulate do still need to rely on them. We will therefore allow them to expire on 30 September 2020 but re-issue them in similar terms, expiring on 31 January 2021, so that those who satisfy the conditions in these COVID-19 RPS can apply to use, or notify us of intention to use, as applicable. This will enable us in each case to assess whether the conditions for use are met beyond 30 September 2020.

Please see the appendix to this letter for detail in relation to the position on each COVID-19 RPS.

As set out above, a further COVID-19 RPS is due to expire on 30 November 2020 so this will remain in place for now. The need for it to continue beyond November will be assessed ahead of its expiry date.

We will continue to keep the situation under review over the winter and will consider re-instating regulatory positions should the need arise.

It remains the responsibility of anyone using a COVID-19 RPS to check when they expire: <https://www.gov.uk/government/collections/covid-19-regulatory-position-statements>.

### **Technical competence**

We are aware that there are continuing concerns regarding bookings for qualifications and assessments in relation to Wamitab/CIWM Technical competence schemes. We have now agreed to extend the date to comply with the Wamitab/CIWM competence scheme until 1 January 2021. The details of the extension and the conditions we require to be met are to be found on the Wamitab website: [www.wamitab.org.uk](http://www.wamitab.org.uk). We expect those people who are required to demonstrate Technical Competence to make a booking at the earliest available date and for the operator to notify their local regulatory officer that they are awaiting their assessment. If this relates to renewing and existing competence assessment we ask that the operator notify Wamitab so they can keep a database of those candidates affected by the delays.

## Our permitting service

We are aware of delays to our permitting service and apologise for any inconvenience this is causing to our impacted customers. As we adapted to the impacts of Coronavirus, our ability to determine permit and licence applications was reduced. This is on top of a high number of applications that we were and are continuing to receive - we are currently receiving over 1000 applications each month.

The majority of our permitting activities are now progressing well. We have brought in additional trained staff from other areas of the business to help clear the delays and we are ensuring we deal with permit applications relating to critical projects.

We will continue to work with customers at the pre-application stage, on receipt of applications and provide updates through to the determination of the permit. We are also continuing to speak to trade bodies, industry forums and sector groups to keep them informed and updated.

We are currently prioritising applications over reviewing existing permits. We will pick up the review work as soon as possible. We will continue to provide updates on the situation via our website: <https://www.gov.uk/government/news/coronavirus-environment-agency-update>.

We are encouraging all customers to submit permit applications to us via email, where they can.

This remains a difficult and frequently changing situation and we are grateful to our customers and partners for their continued support in helping to meet the challenges we all face.

Yours sincerely,



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Environment and Business Directorate  
Environment Agency



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**Expiring COVID 19 RPSs:**

The following six COVID-19 RPSs will be allowed to expire on the 30 September 2020:

Ref	Title	Expiry Date
RPS C3	Water and Sewerage Company OSM and UWWTR sampling affected by Covid-19	30 September 2020
RPS C6	Storing treated sewage sludge you cannot move because of COVID-19 restrictions	30 September 2020
RPS C2	Exceeding waste storage limits at permitted sites because of COVID-19	30 September 2020
RPS C17	COVID-19 and storing waste at unpermitted sites due to exceeding your storage limits	30 September 2020
RPS C16	COVID-19 and temporary storage of incinerator bottom ash aggregate	30 September 2020
RPS C12	COVID-19 and spreading slurry or milk on land, or storing slurry	30 September 2020

**Extended COVID-19 RPSs:**

The following five COVID-19 RPSs will have their expiry dates extended:

Ref	Title	New Expiry Date
RPS C8	Social distancing when signing and handing over waste transfer and consignment notes in person	31 March 2021
RPS C5	PPE waste from home healthcare workers treating patients with COVID-19	31 March 2021
RPS C1	Cleansing and PPE waste at a healthcare waste management facility	31 March 2021
RPS C13	Accumulating radioactive waste that you cannot transfer because of COVID-19	31 March 2021
RPS C15	COVID-19 and exceeding permit limits for medical use of radioactive substances	31 March 2021

**Re-issued COVID-19 RPSs:**

The following two COVID-19 RPSs will expire on the 30 September 2020 and be re-issued to cover the period 1 October 2020 to 31 January 2021:

Ref	Title	Expiry Date
RPS C7	Monitoring emissions from some environmental permitting activities	31 January 2021
RPS C10	Reporting for installations, radioactive substances and waste permits	31 January 2021