

Regulatory position statement 155_15

The management of radioactive items found in scrap metal

If you comply with the requirements below, we will not normally require you to obtain a permit for the accumulation and disposal of radioactive waste that is found in scrap metal.

Background

Radioactive items are periodically found at metal recycling sites and in the scrap metal feedstock delivered to metal smelting sites (in this document these are collectively referred to as metal recycling facilities). In most cases, the amount of radioactivity involved is small, but there have been incidents in other countries where highly radioactive items have occurred in scrap metal with very serious health and safety, environmental and financial consequences. Such incidents arise from the illegal disposal or loss of control of radioactive sources.

In addition, radioactive items which have not been subject to an illegal disposal can also be found in scrap metal. Examples include low activity items disposed of with other non-radioactive waste under an exemption. Whilst the hazards are expected to be very low in these cases, the presence of radioactivity in scrap metal is commercially undesirable.

The metal recycling industry recognises the risks of handling, treating and smelting radioactive items and many operators, particularly the larger companies, use radiation monitoring equipment to try to detect radioactive items in their feedstock so that they can be removed. We encourage metal recycling facilities to install radiation monitors, and to ensure they have access to specialist expertise to enable a suitable response to be made to the discovery of a radioactive item.

When a radioactive item is found in scrap metal, our aim is that it should be brought under a system of control as soon as possible. We expect metal recycling facilities to provide safe and secure storage for any radioactive item while it is assessed and an appropriate course of action is determined. This is intended to ensure that people and the environment are protected from the harmful effects of radiation.

Our approach

A radioactive item found in a consignment of scrap metal is considered to be radioactive waste. The receipt, accumulation and disposal of radioactive waste normally requires the operator to hold a permit under the Environmental Permitting (England and Wales) Regulations 2010 (EPR 2010) for a radioactive substances activity, unless the waste is exempt from the requirement for a permit.

However, we recognise that metal recycling facilities usually acquire the radioactive waste inadvertently and unexpectedly, and the receipt of such waste is not an intentional part of their business. We also recognise that if the consignment containing the radioactive waste is refused, there

is a risk of illegal disposal by the owner of the waste. For these reasons, and to help ensure that people and the environment are protected, we have adopted the regulatory position set out below.

We will not normally require operators of metal recycling facilities to hold a permit for the receipt, accumulation and disposal of radioactive waste which is acquired inadvertently, where you comply with the following conditions:

- (i) you inform the Environment Agency of the find without delay using our Incident Hotline number 0800 807060
- (ii) you take temporary responsibility for and control of the radioactive waste until the next course of action can be determined
- (iii) you prevent, as far as reasonably practicable, unauthorised access to, or loss or theft of the radioactive waste
- (iv) in managing the radioactive waste, you comply with the standards set out in the Appendix
- (v) you dispose of the radioactive waste as soon as reasonably practicable (and within six months at the latest) by a disposal route agreed in writing with the Environment Agency.

Where you keep, or intend to keep, radioactive waste on the premises for more than six months, we will normally require you to obtain a permit under EPR 2010 for the accumulation and disposal of radioactive waste.

There are other circumstances where we will normally require you to obtain a permit under EPR 2010. Such circumstances could include (but are not necessarily limited to):

- where the discovery of radioactive waste in your incoming material is a very regular occurrence such that you need to have continuous arrangements for the management of the radioactive waste
- where you conduct your business in order to deliberately acquire radioactive waste (such as providing a storage and disposal service for radioactive waste removed from other sites)
- where you melt a radioactive item and generate secondary radioactive wastes that need to be managed under a permit.

Under no circumstances should the radioactive waste be dumped. Unauthorised disposal is dangerous and is a criminal offence.

Enforcement

We will not normally take enforcement action against you where you comply with conditions (i) to (v) above. Enforcement decisions under this Regulatory Position will be taken in accordance with our [Enforcement and Sanctions](#) statement.

Scope of this Regulatory Position

This Regulatory Position only applies to your responsibilities under EPR 2010 concerning the management of radioactive waste at sites in England. You should be aware that there are other regulations concerning the health and safety aspects of radiation, and the transport of radioactive material and waste which are regulated by, respectively, the Health and Safety Executive and the Office for Nuclear Regulation. You should ensure that you also fulfil your responsibilities under this and any other legislation that may apply. For example, stored radioactive waste may have to be shielded in order to protect the workforce, and the waste may have to be transported in a specially designed container. You can obtain advice on these matters from a Radiation Protection Adviser (RPA) and a Dangerous Goods Safety Adviser (DGSA).

This Regulatory Position has no effect on our implementation and enforcement of other parts of EPR 2010 which are applicable to metal recycling facilities.

This regulatory position will be reviewed by April 2017.

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Appendix - Standards for the management of radioactive waste stored at metal recycling facilities

Competent persons:

When radioactive waste is found at a metal recycling facility, the operator of the facility should seek specialist advice from a Radioactive Waste Adviser (RWA) to assist them in the identification of the waste and advise on its initial management. Further information about RWAs can be found here:

http://www.sepa.org.uk/radioactive_substances/radioactive_waste_advisers.aspx

Any person who is involved in the management of radioactive waste at a metal recycling facility must be competent and suitably trained to enable them to carry out their duties safely and with due regard to the protection of other people and the environment.

Radioactive waste packaging:

- Wherever possible, and so long as it is safe to do so, place the radioactive waste in a bag or other container that is waterproof and can be sealed.
- Indelibly label the package with a description of the contents, the date of receipt, the radionuclide (if known) and activity (if known), and any other information necessary for the identification of the contents of the package.
- Label the package with the word "Radioactive" and if possible apply the ionising radiation symbol (BS 3510:1968 or ISO 361:1975).
- Packages should be free from external contamination.

Records:

Create a record sheet for each package, to include as a minimum:

Record field	Comment
Label reference	unique identifier
Date	date of receipt/discovery/segregation of the item(s)
Who made record	name of individual responsible for filling in the record sheet
Where from?	site and supplier of consignment in which radioactive item was found
What is it?	brief description of the item
Highest instrument reading	highest measured value and relevant units

Instrument used	make and model
Estimated activity (Bq)	state how estimate made
Volume (m ³)	Estimate
Mass (kg)	Estimate
Date of disposal	when known
Where disposed to / sent for storage	when known

Storage:

- Establish a designated storage area for radioactive waste and restrict access to this area by cordoning it off and using warning signs.
- Store waste in a suitable secure store that is (i) easy to decontaminate; (ii) made of non-combustible materials; (iii) does not contain, and is not located close to, any corrosive, explosive or flammable materials.
- If it is necessary to store items of radioactive waste in the open, lay the waste on an impermeable surface and cover the waste with a plastic sheet or similar to prevent rainwater ingress, ensuring the cover is fixed down. Check that the waste does not contain, and is not located close to, any corrosive, explosive or flammable materials.

Reporting:

Notify the Environment Agency without delay if any radioactive waste is lost or stolen using our Incident Hotline number 0800 807060.

Radioactive waste disposal:

- Agree a disposal route with the Environment Agency. This will normally involve one of:
 - transferring the waste to the holder of a permit under EPR2010 to receive radioactive waste of the appropriate type, and in accordance with their instructions
 - disposing of the waste under the terms of an exemption from the radioactive substances legislation, in accordance with the conditions of exemption.
- Dispose of the waste within six months of its arrival at the metal recycling facility.
- Keep a record of the waste disposal on the record sheet outlined above.
- Notify the Environment Agency when the waste has been disposed of and provide a copy of the record sheet outlined above.