

WASTE MANAGEMENT INDUSTRY TRAINING AND ADVISORY BOARD ENVIRONMENTAL PERMITTING REGULATIONS 2007

which came into force on 6 APRIL 2008

FREQUENTLY ASKED QUESTIONS

This section addresses some of the frequently asked questions about the new Waste Operator Competence Scheme operated by CIWM/WAMITAB. Further, more detailed information is available in other parts of WAMITAB's web site. The Environment Agency (EA) has issued guidance and this can be accessed via:

<http://www.defra.gov.uk/environment/EPP/>

This section is divided into the following topic areas:

- **Section 1:** Permitting Regulations as they apply to Technical Competence
- **Section 2:** Certificate of Technical Competence (CoTC)
- **Section 3:** Risk Tiers and competence awards
- **Section 4:** Continuing Competence
- **Section 5:** Administration

If your question is not included in this section, or you require further information contact WAMITAB (01604 231 950), or e-mail info.admin@wamitab.org.uk

1. PERMITTING REGULATIONS AS THEY APPLY TO TECHNICAL COMPETENCE

• How does this change affect me with EPR07 in force from 6 April 2008?

The new regulations on Technical Competence are only effective in **England and Wales**.

If you already hold a CoTC or are classed as Deemed Competent you will need to demonstrate Continuing Competence every two years. If you are working towards a CoTC check with the Environment Agency (EA) whether your site falls in a High, Medium or Low Risk tier. You may be able to reduce the amount of units you need to achieve to demonstrate competence for your site.

• I operate a site in Scotland and/or Northern Ireland, do these competence changes affect me?

The regulatory changes are only effective in **England and Wales**. Operators should be aware of the different regulatory requirements across UK borders and that the CoTC is still required in **Scotland** and **Northern Ireland** until further notice.

• Do I have to maintain my competence?

From 1 March 2009, there will be a requirement to comply with Continuing Competence every two years for those persons meeting the Technical Competent Persons requirements for the EPR 2007 Regulations.

• I am deemed competent, how does the new competence regime affect me?

'Deemed Competent' managers will be required to demonstrate Continuing Competence every two years commencing 1 March 2009, in accordance with the EPR 2007 Regulations. You will need to register your existing Deemed Competence with the Environment Agency during the summer of 2008. (As time progresses beyond this period check with the EA).

• I am Deemed Competent what do I need to do?

You will need to take a Continuing Competence Test every two years in accordance with the EPR 2007 Regulations. The first test must be passed within the 2 year period commencing 1 March 2009.

• My site was previously exempt from the need to hold a CoTC what should I do?

Check with the EA to determine which risk tier your facility falls within. Most previously 'exempt' facilities are likely to fall within the Medium Risk or Low Risk tiers. Once the risk tier is determined then contact a WAMITAB approved Centre as necessary to register for the appropriate award path and achieve that award.

• **What about new site permit applications - what do I need to do?**

Contact the EA as necessary to confirm the applicability of the transitional period; they will guide you regarding the Risk Tier that your facility falls within. You will be required to achieve **at least one technically competent person within 4 weeks of permitted activities commencing**. This could be via an **Environmental Permit Operator Certificate, EPOC, or a VRQ (either of these if the site is not currently operational) or a 4 Unit award for an operational site**. If your site falls to 'Low Risk' then either the EPOC, or the 4 Unit award, will be the only award you will need.

If your facility falls to Medium or High Risk you will then be required to achieve the higher qualification as necessary, following achievement of the EPOC, or 4 Unit award, within 12 months of permitted activities commencing.

Note: Landfill operator competence requirements do not benefit from an exemption period and competence must be demonstrated prior to or at the time the Permit is issued.

In all instances Continuing Competence needs to be maintained as appropriate every two years.

• **What are the competence requirements for Landfill operators?**

Landfill operator competence requirements do not benefit from any exemption period and competence must be demonstrated prior to or at the time the Permit is issued. Check with the EA as to the Risk Tier your facility falls within. Non-Hazardous and Hazardous Landfill sites (open and closed) fall within the 'High Risk' tier. Inert Landfills (open and closed) appear in the 'Medium Risk' tier.

• **Do I have to have a competent person full time on site?**

No. The attendance requirements for 'Technically Competent Persons' remain as current and are determined within the Environment Agency document 'Technical Competence for Operators of Authorised Waste Facilities, July 2004'.

• **How much time does a TCP need to spend on site, can they cover more than one site?**

Section 3.2 of the EA document 'Technical Competence for Operators of Authorised Waste Facilities, July 2004', specifies the attendance times for the Technically Competent Person.

• **I thought that 100% attendance was a requirement in the new Waste Operator Competence Scheme, is that so?**

No. 100% attendance was not adopted for the Technically Competent Person within the EPR 07 Regulations. The attendance requirements for 'Technically Competent Persons' remain as current and are determined within the EA document 'Technical Competence for Operators of Authorised Waste Facilities July 2004'.

• **My sites were all exempt - how many TCPs do I need?**

The operator will determine the requirement for the Technically Competent Person(s) based on EA guidance, site operational hours and percentage attendance requirements. Further guidance can be found within the EA document 'Technical Competence for Operators of Authorised Waste Facilities July 2004'.

2. Certificate of Technical Competence (CoTC)

• **I already hold a CoTC, is this still valid with EPR07 in force from 6 April 2008?**

Yes, the CoTC (and the NVQ that underpins the CoTC) will remain valid as appropriate qualifications to meet the necessary Technical Competence requirements specified within the Environmental Permitting Regulations 2007 in England and Wales (providing it still meets the competence requirements for the risk tier associated with your facility). What will change is the need to demonstrate Continuing Competence every two years from 1 March 2009.

Note that the 'WAMITAB CoTC scheme' is still valid in Scotland and Northern Ireland.

• **Will I need to re-take my WAMITAB CoTC?**

No. So long as your CoTC (or the NVQ that underpins the CoTC) are appropriate for your facility then all you will need to do is meet the Continuing Competence requirements from 1 March 2009.

• I have a number of CoTC's what should I do?

Generally all you will have to do is to take the Continuing Competence assessment every two years from 1 March 2009. It is intended that you will only have to sit one assessment even though you hold more than one CoTC. The assessment that you take will include questions relating to the appropriate CoTC's that you hold.

• Do my CoTC's expire as EPR07 came into force on 6 April 2008?

No. The CoTC's (and the NVQs that underpin them) remain appropriate qualifications to meet the Technically Competent Requirements as specified within the Environmental Permitting Regulations 2007, effective from 6 April 2008. All you will have to do from 1 March 2009 is to ensure that the Continuing Competence requirements are met every two years.

• What will I get instead of a CoTC?

What you get to demonstrate competence will depend on the risk tier for your facility.

- **High risk:** The CoTC will still be available for those persons who achieve a 12 Unit NVQ within the 'High Risk' tier but this will be optional to the candidate after 22 December 2008. Those candidates who registered for a CoTC before 6 April 2008 will be issued with their CoTC as usual following that date;
- **Medium risk:** A new 6-unit award will be available and WAMITAB will issue a Certificate entitled 'Operator Competence Certificate'. Alternatively a Vocationally Related Qualification is available from WAMITAB;
- **Low risk:** A new 4-unit award will be available and WAMITAB will issue a Certificate entitled 'Operator Competence Certificate'. If you are required to achieve an EPOC then CIWM will issue an 'Environmental Permit Operators Certificate'.

• What is happening to the CoTC in the future?

In England and Wales the CoTC will become an optional certificate for candidates that achieve the appropriate 12 Unit NVQ for high risk activities. The CoTC will continue to be available from WAMITAB for issue to candidates if they choose and pay the relevant fee (currently £120.00) to show the competence achieved when EPR07 came in force on 6 April 2008.

The CoTC scheme in Scotland and Northern Ireland is not changing.

• I am part way through my CoTC what do I need to do?

Make yourself aware of the Technically Competence Person requirements as specified within the Environmental Permitting Regulations 2007 that came into force on 6 April 2008 and discuss the situation with the EA. You may find that depending on your particular facility type, that there is no change to the competence requirements you need to demonstrate. However in some instances, and depending on the Risk Tier your facility falls within, candidates may find that they do not need to achieve the full 12 units of the NVQ and that only 6 or 4 units need to be gained.

• Will I get a refund as I have already registered for a CoTC and I now find I don't need one

No. WAMITAB has a responsibility to deliver and maintain the CoTC Scheme in England and Wales until the Environmental Permitting Regulations 2007 came into force on 6 April 2008. Thereafter WAMITAB's responsibilities for the CoTC scheme will remain in Scotland and Northern Ireland.

3. RISK TIERS AND COMPETENCE AWARDS

• How will I know what risk tier my site/activity falls into?

WAMITAB has provided guidance within its 'CIWM/WAMITAB Operator Competence Scheme - 22 December 2008'. Specific guidance should be sought from the EA if you cannot identify Technical Competence requirements from this list. In all cases the Technically Competent Person (TCP) requirements for your site should be confirmed with the EA.

• My site is not listed in the risk tiers what should I do?

Specific guidance on allocation of sites to risk tiers has been produced by Defra/EA/WAG and they should be contacted for further information if you cannot identify Technical Competence requirements from the Risk Tier list. In all cases the competence requirements for your site should be confirmed with the EA.

•Defra is unable to tell me what award I need where do I find this information?

Specific guidance should be sought from the Environment Agency. If you cannot identify Technical Competence requirements having consulted the Risk Tier list found within CIWM / WAMITAB OPERATOR COMPETENCE SCHEME 22 December 2008, then the EA will consider your specific facility type and advise on TCP provision accordingly. In all cases the TCP requirements for your site should be confirmed with the EA.

•I need to get my EPOC where can I go and what are the costs and dates?

The EPOC has been developed by CIWM: contact CIWM on 01604 620426 or go to www.ciwm.co.uk to find further details of Centre's, course dates and cost information.

•How do I choose between a Unit-based award and a VRQ/EPOC?

For new permit applications you may be required to gain an EPOC to start with. However, if your site is 'up and running' you can choose to follow the NVQ Unit approach if you feel confident that you are ready to be assessed for the units at your site.

If you prefer to follow a 'course plus assessment' approach then this is the style and format used to achieve the VRQ or EPOC.

For facilities in the high risk tier the only way to demonstrate competence is by achieving the full NVQ.

•What are the costs and alternatives open to me?

The choices depend on whether you already possess the knowledge and understanding and feel ready to be assessed using the NVQ Unit pathway. If your facility falls within the 'High Risk' tier then there is only one selected route i.e. the NVQ route.

Options are available within the 'Medium' and 'Low' risk tiers depending on whether you prefer the traditional NVQ unit assessment route delivered fully on your site, or prefer a Vocationally Related Qualification where you learn in a classroom environment with paper-based assessments and an end of course written assignment. Cost information is available from the relevant WAMITAB 'Approved' Centres.

•My Centre is not running a particular course, VRQ, Continuing Competence scheme where can I find who is?

Consult the WAMITAB Website: www.wamitab.org.uk for details of 'Continuing Competence' and Centres approved to deliver the Vocationally Related Qualification. Information will also be available from CIWM www.ciwm.co.uk for those Centres approved to offer EPOC training.

•Can I use a higher risk award for a lower risk facility?

Yes, the hierarchical arrangements for higher level qualifications to cover TCP arrangements for lower risk facilities remains.

Relevant higher level awards will be acceptable proof of competency for a facility in a lower tier e.g. a VRQ or NVQ 6 unit award will be suitable to demonstrate competence for a site in the low risk tier.

This allows an operator of a low risk tier facility to undertake a competence award on, and relevant to, an appropriate medium risk tier facility; and for operators to plan ahead and move to a medium tiered facility in the future. It also allows current, and any future holders of a relevant CoTC/ NVQ, to be competent at a low or medium tiered facility (Refer Annex 2 within CIWM / WAMITAB Waste Operator Competence Scheme 22 December 2008).

•Where is the website information that explains what I have to do?

www.wamitab.org.uk Refer to 'Latest News' within which the document entitled 'CIWM / WAMITAB Waste Operator Competence Scheme 22 December 2008' can be viewed. Further details are available at www.ciwm.co.uk.

•What does the Level 3 VRQ Certificate in Waste and Resource Management course cover?

The course is of (typically) 5 days duration spread over a two to six week block – this varies with each Centre. Experience suggests it is unlikely that this will be delivered in 5 consecutive days. For larger employers this course can be delivered in-house by the WAMITAB Approved Centre.

The course content covers the following units:

Mandatory Units:

1. Environmental impact of waste and resource management
2. Waste and Resource Management – Policy and Legislation
3. Permitting Requirements and Compliance in the Waste and Resource Management Industry
4. Health and Safety in the Waste and Resource Management Industry
5. Technical Aspects of Managing Waste and Resources

Option Units (One of the following):

- 6a: Physical and Chemical Processing within the Waste and Resource Management Industry
- 6b: Biological processing within the Waste and Resource Management Industry
- 6c: Thermal Treatment Processing within the Waste and Resource Management Industry
- 6d: Contaminated Land (to be developed)
- 6e: Inert Landfill (to be developed)

Each unit is assessed individually and the overall VRQ is achieved by passing a written assignment between 3000 and 4000 words.

•Are there any specific entry requirements for the NVQ/VRQ?

No previous qualifications are required to take these awards; however, candidates should consider the following when making choices on award type:

- Candidates who choose NVQ assessment will need access to an appropriate operational (functioning) facility (usually their own) on which assessment will be carried out.
- Candidates who choose the VRQ path will need to refer to their sites' Local Authority Planning Application, Change of use application (as necessary etc.) plus their Permit Application and Working Plan during the Unit Assessment and course Assignment phases.

•What are the timescales and relevant training requirements?

- The NVQ unit assessment will take place on the candidate's facility. Time for this will be determined by the assessment arrangements between the candidate and the assessor. Candidates should contact WAMITAB's Approved Centres to determine availability of assessments. Details can be found at www.wamitab.org.uk section: 'Centres'.
- The VRQ is based normally on a 5 day course spread over a period of time (i.e. it is not anticipated that this course will be delivered in 5 consecutive days). Candidates should consult Centres for dates and timeframes.
- The EPOC is planned as a 2 day course which is likely to be two consecutive days. Details are available via CIWM website www.ciwm.co.uk

•Why is there a cost difference in NI and Scotland?

The Environmental Permitting Regulations 2007 came into force in England and Wales (only) on 6 April 2008. WAMITAB has a responsibility under the Waste Management Licensing Regulations (Scotland) and (Northern Ireland) respectively to maintain the arrangements for CoTC provision in those countries until the regulations change. The fees to operate the CoTC scheme in Scotland and Northern Ireland to date will be maintained as a result; there is one exception however, candidates who are required to achieve a second or subsequent CoTC in these countries will benefit from a reduction in the 2nd CoTC registration fee etc., in line with England and Wales (£120.00).

• Is there any funding to help with the cost of achieving an award?

As funding schemes often vary locally, candidates who wish to pursue funding opportunities should seek guidance from a WAMITAB Centre or their local LSC office or other funding agency as required.

• How do I progress from a lower level award to a higher one?

Depending on the type of award required (e.g. NVQ unit) some previous Units from a lower award may be able to be presented (in part or full) as an appropriate measure of competence. In other cases, the earlier award will provide knowledge and understanding within the process of Accreditation of Prior Learning.

• How do I progress from the VRQ to comply with the High Risk NVQ requirements?

Centres will guide candidates on the progression opportunities available using Accreditation of Prior Learning. There are no common units between the VRQ and the NVQ awards; however, the Assessor in conjunction with the candidate will draw up an action plan to cover the 12 NVQ units. The VRQ will provide significant underpinning knowledge required for the NVQ and should ensure the candidate is well placed for assessment within a minimal time-frame.

• I have a degree does this exempt me from obtaining an award?

No. The appropriate awards are specified within the Technical Competent Person requirements of the Environmental Permitting Regulations 2007 plus associated guidance from Defra/WAG/EA and the CIWM/WAMITAB Waste Operator Competence Scheme 22 December 2008. Depending on the academic Degree, it may help candidates achieve the underpinning knowledge required for the NVQ and hence ensure the candidate is well placed for assessment within a minimal time-frame.

CONTINUING COMPETENCE (CC)

• When I gained my CoTC I was told it was for life. Why do I now need to take Continuing Competence tests?

Your CoTC is still valid but the Environmental Permitting Regulations 2007, which came into force in England and Wales (only) on 6 April 2008 introduced a new requirement for individuals to maintain their competence over time. CIWM/WAMITAB has developed a 'Continuing Competence scheme' which enables holders of CoTC's and, in future, holders of new competence qualifications etc., to demonstrate their on-going competence.

• How do I comply with the Continuing Competence scheme requirements?

All existing CoTC holders who achieved their CoTC(s) before 6 April 2008 will have to pass an assessment within a two-year period from 1 March 2009. All individuals will have to register with the CIWM/WAMITAB Waste Operator Competence Scheme and will have access to the syllabi for the assessments. This will be accessible via WAMITAB's web site under the section entitled 'Continuing Competence'. The assessment will contain multiple choice questions and comprise questions on a 'generic' element, applicable to all sites, and an element which contains 'site/activity specific' questions. Successful candidates will receive a 'Continuing Competence' certificate from CIWM/WAMITAB.

• Where can I take my assessment for Continuing Competence and what is the cost?

Assessments will be 'on-line' and be taken at independent Centres located throughout England and Wales; assessments will also be booked and paid for on-line via WAMITAB's web site. The total cost will comprise a fee for the generic element and an additional cost depending on the number of competence areas (CoTC's) you wish to achieve. Depending on the number of options chosen this will be approximately £100.00 over the two year period.

• How long have I got before I need to show I have complied with CC?

Those individuals who have achieved their CoTC(s) before 6 April 2008 have to meet the 'Continuing Competence' requirements within a two-year period from 1 March 2009. For all those individuals who achieve an initial competence award after 1 March 2009 they will have to demonstrate their continuing competence between the two years following 1 March 2011

ADMINISTRATION

• **How do I apply for a VRQ, NVQ, 6-unit award, or 4-unit award?**

You will need to complete the relevant application form available from a WAMITAB Approved Assessment Centre. For a list of assessment Centres that cover your area of the UK, please go to WAMITAB's web site www.wamitab.org.uk. Click on the 'Centres' button, and this will open a map of the UK, then click on your area of the country on the map and this will open a list of Centres covering your area.

• **How do I apply for an EPOC?**

The EPOC is planned as a 2 day course which is likely to be two consecutive days. Details will be available via CIWM on 01604 620426 or go to their website www.ciwm.co.uk for further details.

• **I registered with WAMITAB for a CoTC several years ago and gained my NVQ with City and Guilds (prior to April 2003). I have never claimed my corresponding CoTC from WAMITAB. What do I do now?**

The NVQ is an appropriate qualification to meet the technically competent requirements specified within the Environmental Permitting Regulations 2007, which came into force on 6 April 2008, so you do not need to have the CoTC certificate.

In April 2003 the National Occupational Standards changed, which means that WAMITAB cannot issue a CoTC certificate against an NVQ issued prior to April 2003. If you wish to receive a CoTC certificate you will need to register for the appropriate NVQ with WAMITAB, via a WAMITAB approved assessment centre. The assessment centre will need to use Accreditation of Prior Learning (APL) to convert your original NVQ units to the current NVQ units. Once this has been done the Centre will submit an award authorisation to WAMITAB, which will enable the current NVQ and corresponding CoTC certificate to be issued.

• **I am a CoTC holder who will be taking the Continuing Competence assessment. I have changed my address since first registering, how do I update my details to ensure my Continuing Competence certificate is sent to the current address?**

You can write to WAMITAB prior to taking your assessment to advise us of your change of address. However, when you register on-line with WAMITAB to take your Continuing Competence test you will need to enter your current address details, these will enable WAMITAB to update your record.

• **Is there a mini-certificate card for the Operators Competence Certificate or Continuing Competence certificate?**

Yes, WAMITAB will be issuing laminated mini-certificate cards for the Operators Competence Certificate and Continuing Competence Certificate (we will require two passport-size photographs, one to be signed by you). Further information will be provided by WAMITAB in due course.

• **Can I become a Centre for VRQ/EPOC/Continuing Competence scheme?**

- **VRQ:** yes, providing you meet the Centre Approval criteria set by WAMITAB as the Awarding Body. Further information can be obtained from Ray Burberry, Qualifications Manager;
- **Continuing Competence scheme:** WAMITAB will be using established Examination Centres in England and Wales in the early stages of the Waste Operator Competence Scheme to ensure there are no geographic barriers to access; thereafter WAMITAB will review the locations within this network.

Additional Centres could be approved by WAMITAB providing they meet the security and invigilation standards set by WAMITAB;

- **EPOC:** The EPOC has been developed by CIWM: contact CIWM on 01604 620426 or go to www.ciwm.co.uk to find further details on course dates, cost information and Centres.