



Environmental Legal Register and Compliance Report

Royal Society of Arts

January 2010, Version 1

EVALUATION OF ENVIRONMENTAL LEGAL COMPLIANCE

COMPANY NAME: **Royal Society of Arts**
SITE LOCATION: **8 John Adam Street**
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INTRODUCTION

This report evaluates compliance with environmental legislation at the site of the Royal Society of Arts (hereafter referred to as 'the site' or 'the RSA'). The report is set out as follows:

- Name of applicable legislation
- Brief explanation detailing key requirements of the legislation
- Evaluation compliance statement: shows whether, and in what way, the company is compliant with the legislation. Examples are given where observations have been made during the site walkover.
- The list of relevant documents etc. refers to that which has been reviewed as part of the audit and supports the compliance rating. This is not applicable in all cases, for example where compliance is based on visual evidence/observations, and so has been left blank on some occasions.
- A compliance rating has been given to indicate how the organisation complies with each item of applicable environmental legislation. The compliance scoring is as follows:
 - A** *Compliant without the need for further action*
 - B** *Compliant but requires ongoing management*
 - C** *Non-compliant and requires corrective action*
 - N/A** *Not applicable to the organisation*
- An action plan/recommendations section has been provided to assist the company in taking steps to rectify any non-compliances, or make general improvements in a particular area.

The following appendices are included:

- An appendix is included to provide photographic evidence of any non-compliance issues raised;
- Legislation not applicable to the organisation = this section details legislation that has been considered but not included on the grounds that it does not apply to the RSA. Reasons have also been given for not including it.

EVALUATION OF COMPLIANCE

1. POLLUTION

Legislation	Environmental Permitting (England and Wales) Regulations 2007 (SI 3538)
Key requirements of legislation	<ul style="list-style-type: none"> ▪ An environmental permit is required for certain types of industrial activities. ▪ For certain waste activities, a permit exemption must be obtained from the Environment Agency. ▪ Waste being sent to landfill must be pre-treated
Evaluation Compliance Statement	The RSA does not carry out any activities which require an environmental permit or exemption. Waste is pre-treated by segregating recyclables from general waste before it is collected. The annual transfer note from First Mile (see 'Duty of Care Regulations' below) also contains a pre-treatment declaration.
Evidence of compliance status	N/A
Compliance Status	B
Action Plan/Recommendations	N/A

Legislation	Environmental Damage (Prevention and Remediation) Regulations 2009 (SI 153)
Key requirements of legislation	<ul style="list-style-type: none"> ▪ Duties are imposed on operators of 'economic activities' to take action to prevent, limit or remediate environmental damage caused to land, water or biodiversity.
Evaluation Compliance Statement	None of the activities carried out by the RSA are causing or are likely to cause serious environmental damage as defined under these Regulations.
Relevant documents, records, permits, licenses, reports etc. to support evidence of compliance status	N/A
Compliance Status	A
Action Plan/Recommendations	N/A

2. WASTE

Legislation	Environmental Protection Act 1990; Part II: Waste Management and Disposal
Key requirements of legislation	<ul style="list-style-type: none"> ▪ The Act provides the general framework for waste management in the UK ▪ The Act establishes the duty of care for waste. This creates legal obligations for producers of waste who must do the following: <ul style="list-style-type: none"> ○ Ensure that waste is transferred to an authorised carrier ○ Store waste in such a way so as it prevent it from escaping or causing pollution or harm to human health ○ Disposing or treating of waste without a valid permit or exemption is prohibited ▪ Ensure that, when waste is transferred, there is also transferred a written description of the waste



<p>Evaluation Compliance Statement</p>	<p>The RSA produces a variety of controlled waste streams, and the cleaning contractor Leisure Support Services (LSS) acts as a waste broker by arranging waste contractors for RSA. Although RSA has checked that LSS is a waste broker (reg. CB/PN5170AL) it is recommended that a copy of the broker licence is kept on file.</p> <p>The majority of waste is collected by a single company, First Mile. They collect the mixed recyclable bags and the general waste bags. A company called Greener World collects glass for recycling and WasteCare collects fluorescent tubes, halogen lamps and waste electrical and electronic equipment (WEEE) such as redundant IT equipment. Sanitary waste is collected by Capital Hygiene and toner and ink cartridges by the charity ActionAid. Waste cooking oil is collected by Ritter Courivaud Ltd and reprocessed to make biodiesel.</p> <p>All waste contractors must be registered as licensed waste carriers with the Environment Agency, but the only waste carrier's licence kept on file was First Mile's. Carrier's licences have since been received for Capital Hygiene and Greener World.</p> <p>Details on the facilities where the waste is taken to for treatment or disposal are not known for all wastes, and in order to fully satisfy the duty of care, it is recommended that the RSA obtain this information from their waste contractors. Particularly for the mixed recyclable waste, obtaining information on how the waste is treated once it leaves the building will enable the RSA to be satisfied their waste is being treated appropriately. The waste stream spreadsheet provided can be used to manage this information.</p> <p>The main waste storage area is outside in a tunnel which runs under the building. Bags of general waste and mixed recyclables are placed in the 4 Eurobins which are emptied daily. Waste is generally being stored in such a way as to prevent its escape although some (photo 1) loose litter was noted around the bins. Some waste was also loose in the bins themselves rather than in bags (photo 2), and there is the possibility that the carriers will not collect it.</p>
<p>Relevant documents, records, permits, licenses, reports etc. to support evidence of compliance status</p>	<ul style="list-style-type: none"> ▪ First Mile Ltd waste carrier's licence ▪ Capital Hygiene waste carrier's licence ▪ Greener World waste carrier's licence ▪ Visual evidence (see Appendix A)
<p>Compliance Status</p>	<p>C</p>
<p>Action Plan/Recommendations</p>	<ol style="list-style-type: none"> 1. Obtain copies of waste carrier's licences for WasteCare, ActionAid Recycling and Ritter Courivaud. 2. Obtain a copy of LSS's waste broker licence. 3. Ensure that information on the treatment/disposal facilities for all waste streams is obtained. 4. Ensure that loose waste lying around the waste area is tidied and put in the bins.

<p>Legislation</p>	<p>Environmental Protection (Duty of Care) Regulations 1991 (SI 2839) (as amended)</p>
<p>Key requirements of legislation</p>	<ul style="list-style-type: none"> ▪ Waste transfer notes must be received by the company for

	<p>all waste which is collected by external contractors</p> <ul style="list-style-type: none"> ▪ This is in order to help ensure compliance with the duty of care for waste ▪ For non-hazardous waste which is regularly collected, an annual transfer note may be used ▪ Waste transfer notes must contain the following information: <ul style="list-style-type: none"> ○ Full description of waste - special features, hazardous substances, its source, how it was produced ○ The relevant six digit code from the European Waste Catalogue (EWC) ○ Quantity of waste (by weight if possible) ○ Method of containment ○ Names and addresses of those involved in the transfer of the waste ○ Place and date of transfer <p>All waste transfer notes must be kept on file for 2 years.</p>
<p>Evaluation Compliance Statement</p>	<p>The only waste transfer note kept on file at the time of the audit was an annual note from First Mile for mixed municipal waste, dated 06/02/09. Since the audit, annual transfer notes have been received for collections of sanitary waste and glass, but there are no notes for waste oil and ink and toner cartridges.</p> <p>Where LSS has arranged for the collection of waste, as producer of the waste the RSA must request copies of transfer notes and keep them on file. Waste transfer notes must be kept on file for a minimum period of 2 years.</p>
<p>Relevant documents, records, permits, licenses, reports etc. to support evidence of compliance status</p>	<p>The following waste transfer notes were reviewed during the audit:</p> <p>First Mile Mixed municipal waste Annual transfer note from 06/02/09 Correct EWC code: 20 03 01 Type of containment and quantity included Pre-treatment declaration included Signed by both parties and dated</p> <p>Greener World Glass Annual transfer note from 30/05/09 Correct EWC code: 20 01 02 Type of containment and quantity included Signed by both parties and dated</p> <p>Capital Hygiene Sanitary waste Annual transfer note from 27/03/09 Correct EWC codes included Type of containment and quantity included <i>Signed by the carrier but not signed by the RSA</i></p>
<p>Compliance Status</p>	<p>C</p>
<p>Action Plan/Recommendations</p>	<ol style="list-style-type: none"> 5. Ensure waste transfer notes are received for waste oil and ink cartridges. 6. Ensure all waste documentation is fully completed with signatures of both parties.



Legislation	Hazardous Waste (England and Wales) Regulations 2005 (SI 894)
Key requirements of legislation	<ul style="list-style-type: none"> ▪ All hazardous waste must be segregated from other waste ▪ Premises producing more than 500kg hazardous waste per year must be registered with the Environment Agency ▪ Hazardous waste consignment notes must be received for all hazardous waste removed off site
Evaluation Compliance Statement	<p>The RSA had registered with the Environment Agency as a hazardous waste producer (NKH550). However, when checked on the Environment Agency's Public Registers (http://www2.environment-agency.gov.uk/epr/), this code did not return any results. As hazardous waste registration is done annually, it is possible that WasteCare, who register for the RSA, have not renewed their registration. Following the audit this was checked with WasteCare and the RSA is now registered again under the registration code NTJ413.</p> <p>A variety of hazardous wastes are produced by the RSA, including fluorescent tubes and some WEEE. However, some wastes seen during the audit classed as hazardous are not currently being disposed of as such, including aerosol containers. Empty aerosol containers are classed as hazardous waste unless they have been pierced and drained of contents and propellant gases, which is a dangerous procedure and requires specialist equipment. A number of waste management companies will provide a hazardous waste collection service for businesses that produce small amounts of hazardous waste (example: http://www.elgaprocesswater.co.uk/en/expertise/service_support/eco_box/), and it is recommended that the RSA considers this.</p> <p>Solvent-based paints are also classed as hazardous wastes. However, provided they are empty and have been left to dry, they can be disposed of in general waste, which is current practice at the RSA.</p> <p>Batteries are currently being taken home by a member of staff who disposes of them at a local collection point. These are classed as commercial waste and therefore must be collected by a licensed waste carrier and waste documentation received.</p> <p>Some consignment notes were on file for collections by WasteCare dating back to 2007 (see below). Hazardous waste consignment notes must be kept on file for a minimum period of 3 years. As well as receiving consignment notes with the collection, quarterly consignee returns should also be received. These are received from the final disposal facility confirming that the waste has been received there, effectively closing off RSA's duty of care for that waste stream. At the time of the audit there were no consignee returns on file, but the RSA has since received a returns spreadsheet from WasteCare listing all collections of hazardous waste since 2007. The Regulations state that these returns must be made within one month of the end of the quarter, and the RSA should ensure that WasteCare sends these returns on a more regular basis.</p>
Relevant documents, records, permits,	<ul style="list-style-type: none"> ▪ Premises registration code (NTJ413, exp. 18/01/2011)

licenses, reports etc. to support evidence of compliance status	<p>The following hazardous waste consignment notes were reviewed during the audit:</p> <p>WasteCare Fluorescent tubes and halogen lamps Consignment note no. NKH550/93930M, dated 12/04/09 Correct EWC code: 20 01 21 Details on facility where waste is taken to included (Silver Lining Industries – waste management licence no. 80616) Quantity of waste and method of containment included Time, date and signatures of both parties included</p> <p>WasteCare Fridges and freezers Consignment note no. NXH550/97418M, dated 09/07/08 Correct EWC code: 20 01 23 Quantity of waste and method of containment included Time, date and signatures of both parties included <i>Information on hazardous properties, UN number, hazard code etc. is not included</i></p>
Compliance Status	C
Action Plan/Recommendations	<p>7. Consider getting an EcoBox or similar service for the small quantities of hazardous wastes that are produced on site.</p> <p>8. Batteries must not be taken to a local collection point for disposal.</p> <p>9. Ensure that consignee returns are received quarterly for all collections of hazardous waste.</p>

Legislation	List of Wastes (England) Regulations 2005 (SI 895)
Key requirements of legislation	<ul style="list-style-type: none"> ▪ All waste must be coded with the correct six-digit European Waste Catalogue (EWC) code.
Evaluation Compliance Statement	All waste documentation seen contained the correct EWC codes.
Relevant documents, records, permits, licenses, reports etc. to support evidence of compliance status	<ul style="list-style-type: none"> ▪ First Mile annual waste transfer note ▪ Greener World annual waste transfer note ▪ Capital Hygiene annual waste transfer note ▪ WasteCare hazardous waste consignment notes
Compliance Status	B
Action Plan/Recommendations	N/A

Legislation	Control of Pollution (Amendment) Act 1989
Key requirements of legislation	<ul style="list-style-type: none"> ▪ It is an offence to transport waste without being registered with the Environment Agency ▪ You only need to be registered if you produce waste that is not your own
Evaluation Compliance Statement	The RSA doesn't transport any waste, therefore is not required to register as a waste carrier.
Relevant documents, records, permits, licenses, reports etc. to support evidence of compliance status	N/A
Compliance Status	A
Action Plan/Recommendations	N/A

Legislation	Waste Electrical and Electronic Equipment Regulations 2006 (SI 3289)
Key requirements of legislation	<ul style="list-style-type: none"> ▪ WEEE must be segregated from other wastes ▪ Producers of equipment have a legal responsibility to take back waste equipment ▪ All WEEE must be sent to an authorised treatment facility approved by the Environment Agency for recovery ▪ Some WEEE is also classed as hazardous waste
Evaluation Compliance Statement	WEEE is segregated from other waste streams and collected by WasteCare. An old consignment note shows that WEEE is being taken to a Silver Lining Industries in Bow, which is an Environment Agency approved treatment facility (these can be checked via this link: http://www.environment-agency.gov.uk/business/topics/waste/32086.aspx).
Relevant documents, records, permits, licenses, reports etc. to support evidence of compliance status	<ul style="list-style-type: none"> ▪ WasteCare hazardous waste consignment notes
Compliance Status	B
Action Plan/Recommendations	N/A

3. WATER

Legislation	Water Industry Act 1991
Key requirements of legislation	<ul style="list-style-type: none"> ▪ A trade effluent consent must be obtained from the local water and sewerage undertaker before any trade effluent can be discharged into a public sewer ▪ The only effluent not classified as trade effluent is clean, uncontaminated water and domestic sewerage. Examples of trade effluent include: <ul style="list-style-type: none"> ○ Waste chemicals ○ Waste oils ○ Cooling water ○ Biodegradable liquids ○ Detergents
Evaluation Compliance Statement	<p>LSS cleaners empty their buckets down a designated sink on the second floor. Although technically classed as trade effluent, due to the small quantities involved, it is unlikely that the water company (Thames Water) would take any action, however it is worthwhile contacting them for confirmation of this.</p> <p>Under s.111 of the Act, it is an offence to discharge into the public sewers any matter which may interfere with the free flow of wastewater, and this most commonly occurs with grease from kitchens. The RSA has a "Grease Guzzler" biological dosing system installed in the restaurant kitchen which ensures all pipework is kept free of oil and grease.</p> <p>A drainage plan was not available for review at the time of the audit. There are three sumps located under the Vaults which act as holding pits for water discharging from the building. There is a pumping system in place which activates once water gets above a certain level. In the past there were problems with the foul drains backing up into the sumps and causing flooding, but this has now been resolved.</p>
Relevant documents, records, permits,	<ul style="list-style-type: none"> ▪ Visual evidence (see Appendix A)

licenses, reports etc. to support evidence of compliance status	
Compliance Status	B
Action Plan/Recommendations	10. It is recommended that Thames Water is contacted to confirm there is no need for a trade effluent discharge consent for disposing of cleaning water.

Legislation	Water Resources Act 1991
Key requirements of legislation	<ul style="list-style-type: none"> ▪ It is an offence to cause poisonous, noxious or polluting matter or any solid waste matter to enter surface water ▪ Nothing must be discharged to surface water without the consent of the Environment Agency
Evaluation Compliance Statement	Nothing at the RSA is discharged down surface water drains except clean, uncontaminated rainwater. There appeared to be no surface water drains in the tunnel area where the waste is stored, which is the most high risk area, although as there was no drainage plan available at the time of the audit, this has not been confirmed.
Relevant documents, records, permits, licenses, reports etc. to support evidence of compliance status	N/A
Compliance Status	B
Action Plan/Recommendations	N/A

Legislation	Control of Pollution (Oil Storage) (England) Regulations 2001 (SI 2954)
Key requirements of legislation	<ul style="list-style-type: none"> ▪ The Regulations cover industrial premises with external oil storage over 200 litres ▪ There are certain requirements relating to the bunding and secondary containment of oil stores ▪ Waste mineral oil is not covered by the Regulations, although waste vegetable oil is
Evaluation Compliance Statement	Waste vegetable oil is stored outside in the tunnel area awaiting collection by the waste carrier (photo 6). It is stored in 20 litre drums and there are only ever a couple of drums stored at a time. Although highly unlikely, should the RSA ever store more than 200 litres in total outside, the provisions of these Regulations will need to be complied with.
Relevant documents, records, permits, licenses, reports etc. to support evidence of compliance status	<ul style="list-style-type: none"> ▪ Visual evidence (see Appendix A)
Compliance Status	B
Action Plan/Recommendations	N/A

4. DANGEROUS SUBSTANCES

Legislation	Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH)
Key requirements of legislation	<ul style="list-style-type: none"> ▪ REACH is EU legislation which aims to make those who manufacture, market and use chemicals responsible for understanding and managing their associated risks ▪ Downstream users i.e. not manufacturers and importers also have certain rights and obligations under REACH,



	in particular in following advice recommended by their suppliers
Evaluation Compliance Statement	The RSA is classed as a downstream user for the purposes of the legislation. The legislation requires downstream users to identify and apply appropriate measures to adequately control the risk identified in any safety data sheet supplied to them, and this should be done as part of the RSA's COSHH assessment system.
Relevant documents, records, permits, licenses, reports etc. to support evidence of compliance status	<ul style="list-style-type: none"> ▪ COSHH folders
Compliance Status	B
Action Plan/Recommendations	N/A

Legislation	Control of Substances Hazardous to Health Regulations 2002 (COSHH) (SI 2677)
Key requirements of legislation	<ul style="list-style-type: none"> ▪ The Regulations aim to control the exposure of people to hazardous substances ▪ They do this by imposing duties on employers to carry out risk assessments, prevent or control exposure to hazardous substances and monitor the exposure of employees
Evaluation Compliance Statement	COSHH registers are kept at points of use throughout the building or with the General Manager. During the audit registers for the Gerard Bar, kitchen, LSS and the maintenance team were examined. The folders consist of a front sheet detailing the substance, its purpose, the hazard associated with it, PPE required when working with it and first aid required. The MSDS for each substance is also contained in the folder, which includes information on exposure and impact on the environment.
Relevant documents, records, permits, licenses, reports etc. to support evidence of compliance status	<ul style="list-style-type: none"> ▪ COSHH folders (see Appendix A)
Compliance Status	A
Action Plan/Recommendations	N/A

Legislation	Control of Asbestos Regulations 2006 (SI 2739)
Key requirements of legislation	<ul style="list-style-type: none"> ▪ An asbestos management plan must be put together for workplaces where asbestos is present. ▪ Before any building maintenance or demolition work is carried out, an asbestos survey must be undertaken to identify any materials that contain asbestos.
Evaluation Compliance Statement	A Type 2 asbestos survey was carried out in March 2005 and asbestos containing materials were found to be present on site. Asbestos was found in vinyl floor tiles in workshop B13 and due to their poor condition, their removal was advised. Asbestos is also present in the lining of the archive doors. An asbestos air monitoring survey was also carried out in June 2005.
Evidence of Compliance Status	<ul style="list-style-type: none"> ▪ Asbestos survey report (09/03/05)
Compliance Status	B
Action Plan/Recommendations	N/A

5. CONTAMINATED LAND

Legislation	Environmental Protection Act 1990; PART IIA: Contaminated Land Regime
Key requirements of legislation	<ul style="list-style-type: none"> ▪ There is a duty placed on local authorities to identify and remediate contaminated land ▪ Owners and occupiers of land can be prosecuted for causing land contamination
Evaluation Compliance Statement	There are very few external areas at the RSA where land contamination could occur, and those areas are concreted. Current activities and historic use mean it is very unlikely that there is any land contamination present.
Relevant documents, records, permits, licenses, reports etc. to support evidence of compliance status	N/A
Compliance Status	B
Action Plan/Recommendations	N/A

6. PACKAGING

Legislation	Producer Responsibility Obligations (Packaging Waste) Regulations 2007 (SI 871)
Key requirements of legislation	<ul style="list-style-type: none"> ▪ Business may be affected if they are involved in least one of the following activities: <ul style="list-style-type: none"> ○ Manufacturing raw materials used for packaging; ○ Converting raw materials into packaging; ○ Packing or filling packaging; ○ Selling packaging or packaged goods to the final user or consumer; ○ Importing packaging or packaging products. ▪ The Regulations apply directly to those companies who; <ul style="list-style-type: none"> ○ Have a turnover of more than £2 million in a financial year; and ○ Handle more than 50 tonnes of packaging or packaging materials in a calendar year.
Evaluation Compliance Statement	<p>The RSA carries out a number of activities involving packaging, and fall under the packer/filler and seller categories. Activities include:</p> <ul style="list-style-type: none"> ▪ Buying in packaging and filling it e.g. boxes for take-away sandwiches etc.; ▪ Selling packaged goods to final consumer. <p>As the organisation has a turnover of more than £2million per annum, if it does handle more than 50 tonnes of packaging per annum, it will be obligated under the Regulations. Packaging use is not currently monitored and it is strongly recommended that the RSA calculates packaging use. Even if it is unlikely they will exceed the threshold, the Environment Agency may ask to see proof of this.</p>
Relevant documents, records, permits, licenses, reports etc. to support evidence of compliance status	N/A
Compliance Status	Unknown at present
Action Plan/Recommendations	11. It is recommended that the RSA calculates the total amount

	<p>of packaging handled for the 2009 calendar year to find out whether it is obligated under the Regulations. The simplest way to do this involves:</p> <ol style="list-style-type: none"> a. Identifying all packaging handled on site; b. Either by manual weighing or obtaining information from suppliers, calculate the weight of each packaging unit; c. By using purchasing information on number of units purchased, calculate the total weight for the year.
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Legislation	Packaging (Essential Requirements) Regulations 2003 (SI 1941) (as amended)
Key requirements of legislation	<ul style="list-style-type: none"> ▪ The Regulations deal with the design and production of packaging, ensuring that it meets certain requirements. ▪ Concentration levels of lead, cadmium, mercury and hexavalent chromium of packaging or of its packaging components must not exceed 100 ppm. ▪ Packaging volume and weight must be the minimum amount to maintain necessary levels of safety, hygiene and acceptance for the packed product and for the consumer. ▪ Packaging must be manufactured so as to permit reuse or recovery in accordance with specific requirements.
Evaluation Compliance Statement	The RSA 'places packaged goods on the market' for the purposes of the Regulations for some of its activities. All packaging used is made from either recycled card or plastic, therefore it doesn't contain the concentration levels set out in the Regulations, and has been designed in such a way so as to permit reuse and recovery.
Relevant documents, records, permits, licenses, reports etc. to support evidence of compliance status	N/A
Compliance Status	B
Action Plan/Recommendations	N/A

7. TAXIES, LEVIES AND TRADING

Legislation	Finance Act 2000; Part II: Climate Change Levy – Climate Change Agreement
Key requirements of legislation	<ul style="list-style-type: none"> ▪ A levy is automatically charged on each unit of gas and electricity used by businesses ▪ The levy plays a major role in helping the UK to meet its targets for reducing greenhouse gas emissions.
Evaluation Compliance Statement	The RSA uses natural gas and electricity and therefore automatically pays the climate change levy on each unit of these energy sources used.
Relevant documents, records, permits, licenses, reports etc. to support evidence of compliance status	<ul style="list-style-type: none"> ▪ Utility bills
Compliance Status	A
Action Plan/Recommendations	12. Reducing demands on energy sources will help reduce operating costs and also improve the company's environmental performance.

Legislation	Finance Act 1996 (Landfill Tax) (as amended)
Key requirements of legislation	<ul style="list-style-type: none"> ▪ A tax is charged on all tonne of waste sent to landfill ▪ A lower rate is charged for inert waste (currently £2.50/tonne) and a higher rate for active waste (currently £40/tonne)
Evaluation Compliance Statement	Although waste disposal routes have not yet been fully clarified, it is likely that the RSA's general waste is sent to landfill, therefore the organisation automatically pays landfill tax on every tonne of waste consigned to landfill.
Relevant documents, records, permits, licenses, reports etc. to support evidence of compliance status	N/A
Compliance Status	A
Action Plan/Recommendations	13. By increasing segregation, more waste will be diverted from landfill and therefore the landfill tax will be reduced.

8. ENERGY

Legislation	Energy Performance of Buildings (Certificates and Inspections) (England and Wales) Regulations 2007
Key requirements of legislation	<ul style="list-style-type: none"> ▪ Energy Performance Certificates (EPCs) must be produced when buildings are constructed, sold or rented out ▪ Display Energy Certificates (DECs) must be displayed in large public buildings: <ul style="list-style-type: none"> ○ Where a building has a total useful floor area of over 1000m² and is occupied by public authorities or 'institutions providing public services to a large number of people'. ▪ Regular inspections of air-conditioning systems must be carried out.
Evaluation Compliance Statement	<p>The RSA has a total floor space of 4598m² and as it classed as an 'institution providing public services to a large number of people', a Display Energy Certificate is required. From 1st October 2008, all buildings must have a valid advisory report and display a valid energy certificate in a prominent place, clearly visible to the public. A DEC is valid for twelve months and an advisory report is valid for seven years.</p> <p>The Regulations also state that any air-conditioning systems with an effective rated output of more than 12kW must be inspected by an energy assessor at regular intervals of no more than five years. A report must be provided by the assessor which includes the efficiency of the unit, sizing of the unit and advice on possible improvements to the system. The RSA is currently awaiting an inventory of air-conditioning units to be received from their maintenance contractors which will include this information.</p>
Relevant documents, records, permits, licenses, reports etc. to support evidence of compliance status	N/A
Compliance Status	C
Action Plan/Recommendations	14. The RSA must contact an approved energy assessor to carry out an assessment of the building. Details on approved assessors can be found here: http://www.commercialenergyperformancecertificates.co.uk/

	<p>commercial-energy-assessors.htm</p> <p>15. If the rated output of the buildings air-conditioning system is found to be more than 12kW, an assessment must be carried out by an approved energy assessor</p>
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Legislation	Climate Change Act 2008
Key requirements of legislation	<ul style="list-style-type: none"> ▪ The Act introduces a framework for helping the UK to achieve its goals of reducing carbon dioxide emissions and tackling the impacts of climate change ▪ Carbon Reduction Commitment: <ul style="list-style-type: none"> ○ Mandatory emissions trading scheme targeting non-energy intensive sectors ○ Applies if you have a half-hourly meter and used over 6,000 MWh in 2008 ○ If less than 6,000 MWh were used, the organisation still has to register with the Environment Agency
Evaluation Compliance Statement	The RSA has two electricity meters, one of which is a half-hourly meter. The RSA has not yet calculated 2008 usage but is aware of the CRC scheme and the need to register even if they fall below the threshold.
Relevant documents, records, permits, licenses, reports etc. to support evidence of compliance status	<ul style="list-style-type: none"> ▪ Electricity meter ▪ Utility bills
Compliance Status	B
Action Plan/Recommendations	16. Ensure that 2008 figures are calculated and registration is submitted by 30 th September 2010.

9. NUISANCE

Legislation	Environmental Protection Act 1990; Part III: Statutory Nuisance Clean Neighbourhoods and Environment Act 2005; Parts 7 & 9
Key requirements of legislation	<p>Statutory nuisances are defined as follows:</p> <ul style="list-style-type: none"> ▪ Any premises in such a state as to be prejudicial to health or a nuisance ▪ Smoke emitted from premises so as to be prejudicial to health or a nuisance ▪ Any dust, steam, smell or other effluvia being prejudicial to health or a nuisance ▪ Any accumulation or deposit which is prejudicial to health or a nuisance ▪ Noise emitted from premises so as to be prejudicial to health or a nuisance
Evaluation Compliance Statement	The RSA's activities take place inside and the types of activity carried out are unlikely to cause a nuisance. No environmental complaints have ever been received by the organisation.
Relevant documents, records, permits, licenses, reports etc. to support evidence of compliance status	N/A
Compliance Status	B
Action Plan/Recommendations	N/A

9. AIR

Legislation	Clean Air Act 1993
Key requirements of legislation	<ul style="list-style-type: none"> ▪ Dark smoke from industrial or trade premises (including from industrial bonfires) is prohibited ▪ Breach of the provisions of the Act is a criminal offence and the maximum fine is £20,000
Evaluation Compliance Statement	The RSA does not operate any equipment likely to produce dark smoke. The only possible equipment that could generate black smoke are the boilers and these are located inside and regularly serviced to ensure they are running efficiently.
Relevant documents, records, permits, licenses, reports etc. to support evidence of compliance status	N/A
Compliance Status	A
Action Plan/Recommendations	N/A

Legislation	Environmental Protection (Controls on Ozone Depleting Substances) Regulations 2002 (SI 528)
Key requirements of legislation	<ul style="list-style-type: none"> ▪ The Regulations limit the use of certain types of ozone depleting substances ▪ The use of HCFCs for maintenance and servicing of refrigeration and air conditioning systems is be banned from 31st December 2009 ▪ The total use of HCFCs is banned from 1st January 2015
Evaluation Compliance Statement	<p>There are a number of air-conditioning units throughout the RSA's building, and some of the older units contain ozone depleting substances such as R22.</p> <p>A company called Capitol Engineering Services Ltd (CES) are the maintenance contractors for the air-con system and other equipment, and a PPM is in place for their weekly inspections of the units, although this did not contain any information on the types of refrigerant in the units. During the site walkover some air-conditioning units were seen although details on the type of refrigerant were not accessible for all units.</p> <p>CES have been requested by the RSA to put together an inventory of all refrigeration equipment on site, which will enable better management of refrigerant gases.</p>
Relevant documents, records, permits, licenses, reports etc. to support evidence of compliance status	<ul style="list-style-type: none"> ▪ CES PPM ▪ Sample of maintenance reports
Compliance Status	Unknown at present
Action Plan/Recommendations	17. Once information on refrigeration units has been received from CES, ensure that any units containing R22 are not refilled with virgin HCFCs. Ideally the use of R22 should start to be phased out throughout the building.

Legislation	Ozone Depleting Substances (Qualifications) Regulations 2006 (SI 1510)
Key requirements of legislation	<ul style="list-style-type: none"> ▪ These Regulations require minimum qualifications to ensure competence for handlers of ozone depleting substances (ODS). ▪ The minimum qualifications for servicing, maintenance

	<p>and dismantling of refrigeration equipment are:</p> <ul style="list-style-type: none"> ○ City & Guilds Certificate in Handling Refrigerants (2078) ○ Construction Industry Training Board Safe Handling of Refrigerants (ref: 206710) ○ City & Guilds Level 2 Award in F Gas and ODS Regulations Scheme 2079-11: Category 1, 2079-12: Category 2 or 2079-13: Category 3 ○ Construction Industry Training Board Safe Handling of Refrigerants J11: Category 1, J12: Category 2 or J13: Category 3
Evaluation Compliance Statement	CES has provided with an F-gas interim company certificate (see Regulations below) which state that the company employs appropriately qualified personnel.
Relevant documents, records, permits, licenses, reports etc. to support evidence of compliance status	<ul style="list-style-type: none"> ▪ CES F-gas interim company certificate (ref. 1000374)
Compliance Status	B
Action Plan/Recommendations	18. It is recommended that the RSA request copies of the certificates of competence detailed above.

Legislation	EC Regulation on Certain Fluorinated Greenhouse Gases (F-gases) (No 842/2006)
Key requirements of legislation	<ul style="list-style-type: none"> ▪ Operators of refrigeration, air-conditioning and heat pump equipment which contain the F-gases must prevent leakage ▪ Equipment must be checked for leakages by certified personnel annually if it contains 3kg or more of F-gases
Evaluation Compliance Statement	<p>As noted above, the PPM doesn't provide details on the refrigerant charge of the equipment or details on the kind of maintenance that is carried out, such as leakage testing. CES have been requested by the RSA to put together an inventory of all refrigeration equipment on site, which will enable better management of refrigerant gases and will identify which units require leakage testing.</p> <p>During the site walkover the air-conditioning units in the small meeting room on the 1st floor were seen which contained 560g of R407c. As well as the installed system, there are also some stand-alone air-con units used in various meeting rooms (see photo 8), and these contained 1.3kg of R407c. None of these units are above the 3kg threshold and therefore leakage tests are not required under this legislation.</p>
Relevant documents, records, permits, licenses, reports etc. to support evidence of compliance status	<ul style="list-style-type: none"> ▪ CES PPM ▪ Sample of maintenance reports ▪ Visual evidence (see Appendix A)
Compliance Status	Unknown at present
Action Plan/Recommendations	19. Ensure that any units which contain more than 3kg of F-gases are checked annually for leakage.

Legislation	Fluorinated Greenhouse Gases Regulations 2009
Key requirements of legislation	<ul style="list-style-type: none"> ▪ These Regulations give effect to the training and qualifications provision of above European Regulation on certain fluorinated greenhouse gases. ▪ They set out minimum qualifications for anyone working with F-gases and provides for the appointment of authorised bodies to provide the training. ▪ All companies involved in refrigerant handling activities are required to have an interim company certificated by 4th July 2009, if they don't already. An interim certificate for the purpose of the Regulations is: <ul style="list-style-type: none"> ○ City & Guilds Certificate in Handling Refrigerants Scheme 2078; ○ Construction Industry Training Board Safe Handling of Refrigerants (ref: 206710) ▪ Existing qualification holders to have until July 2011 at the latest to obtain the new minimum qualification.
Evaluation Compliance Statement	CES have provided the RSA with a copy of their F-gas interim certificate, which is sufficient until July 2011 when the new qualifications must have been achieved.
Relevant documents, records, permits, licenses, reports etc. to support evidence of compliance status	<ul style="list-style-type: none"> ▪ CES F-gas interim company certificate (ref. 1000374)
Compliance Status	A
Action Plan/Recommendations	N/A

10. PLANNING

Legislation	Town and Country Planning Act 1990
Key requirements of legislation	<ul style="list-style-type: none"> ▪ There is a general requirement for planning permission to be obtained from the planning authority before any development can take place. ▪ The local planning authority may grant or refuse a planning application. Where permission is approved, the consent may have conditions attached which are to be met.
Evaluation Compliance Statement	No development at the RSA is planned, but the organisation is aware that planning permission would need to be obtained. As the house is made up for one Grade I listed building and four Grade II listed buildings, consents must be obtained from Westminster City Council before any new equipment can be installed.
Relevant documents, records, permits, licenses, reports etc. to support evidence of compliance status	N/A
Compliance Status	B
Action Plan/Recommendations	N/A

11. INFORMATION PROVISION AND PUBLIC AUTHORITY DUTIES

Legislation	Environmental Information Regulations 2004 (SI 3391)
Key requirements of legislation	<ul style="list-style-type: none">▪ These Regulations were introduced alongside the Freedom of Information Act and allow wider public access to environmental information held by public authorities.
Evaluation Compliance Statement	The RSA's environmental information, such as the hazardous waste registration number, are automatically public available on the Environment Agency's Public Register.
Relevant documents, records, permits, licenses, reports etc. to support evidence of compliance status	<ul style="list-style-type: none">▪ Environment Agency's Public Register
Compliance Status	A
Action Plan/Recommendations	N/A

APPENDIX A – EVIDENCE

Photo 1: Escaped waste in outside waste storage area



Photo 2: Loose waste in Eurobins



Photo 3: Waste stored inside awaiting disposal



Photo 4: Segregation of halogen lamps and small fluorescent tubes



Photo 5: Foul drain in tunnel area



Photo 6: Waste cooking oil storage



Photo 7: Contents of COSHH folder

CHEMICAL					
NUMBER	NAME	PURPOSE	HAZZARD	PPP	FIRST AID
A5	Suma Rinse	Rinse aid	None	None	Rinse eyes with plenty of water
C10	Descaler	Descaler	Corrosive	Gloves and goggles	Rinse eyes and skin with plenty of water, Drink milk if swallowed
D1	Suma Star	Concentrated Hand dishwashing liquid	None	None	Rinse eyes with plenty of water
D1 conc	Suma Star Conc	Highly concentrated Hand dishwashing liquid	Irritant	Gloves	Rinse eyes with plenty of water
D2	Suma Multi	Concentrated All purpose detergent	Irritant	Gloves	Rinse eyes with plenty of water
D2 conc	Suma Multi Conc	Highly concentrated All purpose detergent	Irritant	Gloves and goggles	Rinse eyes and skin with plenty of water,
D9	Suma Grill	Heavy duty cleaner for areas of heavy grease build	Corrosive	Gloves, mask and goggles	Rinse eyes and skin with plenty of water, Drink water if swallowed
D10	Suma Bac	Concentrated detergent disinfectant	Irritant	Gloves and goggles	Rinse eyes and skin with plenty of water, Drink water if swallowed
D10 conc	Suma Bac Conc	Highly concentrated detergent sanitiser	Irritant	Gloves and goggles	Rinse eyes and skin with plenty of water, Drink water if swallowed
G3	Renovating Powder	Detergent sanitiser	Irritant	Gloves	Rinse eyes with plenty of water
H4	Soft Care Bac	Hand soap	None	None	Rinse eyes with plenty of water
L4	Suma Special	Concentrated liquid detergent	Corrosive	Gloves	Rinse eyes and skin with plenty of water, Drink water if swallowed
	Alcohol Hand Gel	70% alcohol gel for hygienic hand disinfection	Flammable Irritant	None	Rinse eyes with plenty of water, Drink water if swallowed
	Puly Caff	Coffee machine and urn cleaner	None	None	Rinse eyes with plenty of water
	Rational Oven Cleaner tablet	Detergent for combination ovens	Corrosive	Gloves	Rinse eyes and skin with plenty of water, Drink water if swallowed
	Rational Oven Rinse tablet	Rinse aid for combination ovens	Irritant	Gloves and goggles	Rinse eyes and skin with plenty of water, Drink water if swallowed
	Salt Granular	Water softener	None	None	Rinse eyes with plenty of water
	Salt Tablets	Water softener	None	None	Rinse eyes with plenty of water

Photo 8: Stand-alone air conditioning unit



APPENDIX B – INAPPLICABLE LEGISLATION

This section details legislation that has been considered inapplicable to the RSA and reasons have been given to justify this decision.

Legislation	Justification for exclusion
Waste (Household Duty of Care) (England and Wales) Regulations 2005 (SI 2900)	The RSA has no involvement with household waste.
End of Life Vehicles Regulations 2003 (SI 2635) End of Life Vehicles (Producer Responsibility) Regulations 2005 (SI 263)	The RSA does not own any vehicles.
Environmental Protection (Disposal of PCBs and Other Dangerous Substances) (England and Wales) Regulations 2000 (SI 1043) (as amended)	No PCB contaminated material is present on site.
Clean Neighbourhoods and Environment Act 2005; Part 5: Waste	Construction does not form part of the RSA's business.
Animal By-Products Regulations 2005 (SI 2347)	No food waste produced by the RSA falls under these Regulations.
Restriction of the Use of Certain Hazardous Substances in Electrical and Electronic Equipment Regulations 2006 (SI 1463)	The RSA does not produce EEE.
Control of Major Accident Hazards Regulations 1999 (COMAH) (SI 743) (as amended)	The RSA does not store any substances on site in quantities which meet the thresholds set out in the Regulations.
Radioactive Substances Act 1993	The RSA does not use equipment containing radioactive substances.
Contaminated Land (England) Regulations 2006 (SI 1380)	The company does not have responsibility for any special site under the contaminated land regime.
Waste and Emissions Trading Act 2003	The Act is intended to help the UK meet its European obligations under the Landfill Directive and is not directly applicable to organisations.
Environmental Noise (England) Regulations 2006	This legislation at present focuses on environmental strategic noise maps and associated action plans. These are being developed nationally and there are no specific requirements for individual organisations as yet.
Road Vehicle (Construction and Use) Regulations 1986 (SI 1078) (as amended) Road Traffic (Vehicle Emission) (Fixed Penalty) (England) Regulations 2002 (SI 1808)	The RSA does not own or lease any vehicles.
Volatile Organic Compounds in Paints, Varnishes and Vehicle Refinishing Products Regulations 2005 (SI 2773)	Although the RSA uses paints which contain VOCs, the provisions of these Regulations place obligations on manufacturers and distributors of paints, rather than users.
Town and Country Planning (Environmental Impact Assessment) (England & Wales) Regulations 1999 (SI 293) (as amended)	No development requiring an EIA is anticipated on site
Wildlife and Countryside Act 1981	The RSA's site does not include any areas of green space and no activities carried out by the RSA are likely to impact on wildlife.
Countryside and Rights of Way Act 2000	Not applicable to the RSA as there are no rights of way on the site.
Protection of Badgers Act 1992	The company does not carry out any activities which would impact on badgers or badger setts.
Ecodesign for Energy-using Products Regulations (SI 2037)	The Regulations are not applicable to the RSA as they do not design or manufacture energy-using products.