



# **CIWM / WAMITAB OPERATOR COMPETENCE SCHEME**

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# Executive Summary

1. This Technical Competence Scheme has been jointly developed by CIWM and WAMITAB. It is based on individuals demonstrating personal competence within the prescribed framework. It seeks to build on and improve the existing scheme so that relevant achievements through the National Vocational Qualification (NVQ)/Certificate of Technical Competence (CoTC) are still recognised. However, the Scheme identifies that different types of waste facilities present different levels of risk to the environment and therefore demonstration of technical competence should be proportional. It also recognises that individuals have different learning and development preferences and therefore the scheme offers choices for achieving the competence awards. In order to ensure that all technically competent persons maintain their knowledge and skills an element of continuing competence is built into the scheme ensuring that everyone remains up to date with relevant knowledge.

## 1.1. Risk Based

The different types of facilities have been categorised into three tiers – High, Medium and Low risk. This allows different levels of technical competence to be available proportional to the risk. A published table identifies which facilities fall within each level making it clear to both operators and regulators what type of competence is required (Annex 1).

1.1.1. High Risk – Operators of facilities in this category will be required to demonstrate competence through appropriate existing NVQ awards (soon to be referred to as Qualification and Credit Framework (QCF) Qualifications later in 2010). New award holders will still be able to obtain the CoTC if they wish although this is not compulsory.

1.1.2. Medium Risk – Operators of facilities in this category will have a choice between two new awards. Either 6 specified technical units of the NVQ or a specially developed VRQ (Vocationally Related Qualification) “Certificate in Wastes and Resource Management”. The VRQ is a classroom based taught course, each unit has a scenario based written assessment. A work based assignment will also need to be completed in order to obtain the award. This is a nationally recognised qualification and will cover transfer, treatment and landfill (Inert) activities.

The content of the VRQ has been designed to meet the requirements of Defra/ WAG and the Environment Agency with regard to ‘operator competence’ as specified within the Environmental Permitting Regulations 2007 (and subsequent amendments). The VRQ has been mapped to National Occupational Standards where they exist, to ensure compatibility with other relevant on-the job pathways. The

choice in awards and their type is proportional to risk and allows for different learning preferences.

1.1.3. Low Risk – Operators of facilities in this category have a choice between two new awards. Again choices are proportional to risk and allow for differences in learning preferences. The choices are either 4 specified technical units of the NVQ qualification or a 2 day taught and assessed training course – Environmental Permit Operators Certificate (EPOC), assessment will be scenario based which will assess the ability to identify environmental risk, actions for the operator and potential actions of the regulator.

## 1.2. Transferability between levels

1.2.1. Relevant higher level awards will be acceptable proof of competency for a facility in a lower tier e.g. a VRQ or 6 unit award will be suitable for a site in the low risk tier. This allows an operator of a low tier facility to undertake a competence award relevant for a medium 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 Qualification to be competent at a relevant low or medium tiered facility (Annex 2). Awards for landfill however will not be applicable for transfer/treatment or vice versa.

## 1.3. Who does it apply to?

1.3.1. This system is designed to cover technical competence requirements for all relevant types of facilities and makes provision for those sites currently reliant on “deemed competence” or Environment Agency Assessments. It has been updated to accommodate new types of operations which were previously exempt from permitting.

1.3.2. Time on site of the Technically Competent Person is in accordance with latest Environment Agency Guidance.

## 1.4. Continuing Competence

1.4.1. The requirement to keep up to date is important to ensure that individuals remain competent. For example, an award gained 10 years ago is not necessarily an indication that the holder is still up to date, proficient and competent enough to be responsible for the operation of a permitted facility. Therefore **all** competent persons are required to demonstrate Continuing Competence. However, the requirement for Continuing Competence is appropriate to the facility so that it remains proportional.

- 1.4.2. Continuing Competence will usually have to be demonstrated by the end of each 2 year competency period, however as the requirement is new and is bringing a significant number of individuals into Competence for the first time, the first continuing competence period will be extended for an extra twelve months to allow more time for individuals and companies to understand the requirement, source appropriate training, undertake learning and development and to sit the test. It also takes into account that because it is new the number of people leaving the test until late is increased. .
- 1.4.3. The first competency period is therefore 1<sup>st</sup> March 2009 – 29<sup>th</sup> February 2012, and then subsequent periods (1<sup>st</sup> March 2012 – 28<sup>th</sup> February 2014 etc.). At the start of each period appropriate stakeholder groups will determine each element of the Continuing Competence syllabus for the forthcoming period. These will be published to allow individuals to undertake activities to obtain the necessary knowledge, skills etc in any way that is appropriate to their specific needs. This could include an organisation's own in-house training or coaching programme, 3<sup>rd</sup> party training courses or self learning e.g. via the internet. In other words gaining the required knowledge will be a self managed process. This takes into account that everyone will have a different starting point, different learning preferences, different time and budget constraints etc.
- 1.4.4. Each syllabus will normally be 'set' for the duration of each competency period with only some minor question maintenance as necessary during the period. However as the first period is extended to 3 years it will be necessary to review each syllabus and questions in order to separate some of the sector specific elements and ensure the syllabus and questions remain relevant for the extra 12 months. These changes will be implemented for 1<sup>st</sup> March 2011.
- 1.4.5. Those individuals who wish to make use of the extra 12 months of the continuing competence period, i.e. they haven't successfully completed the test in the first two years, will have to register their intent to utilise the 12 month extension with WAMITAB by 28<sup>th</sup> February 2011. This will allow both the scheme providers and the Regulators to monitor the uptake of the scheme and provide any necessary information.
- 1.4.6. In order to continue to be "competent" individuals will need to have successfully completed a relevant Continuing Competence test before the end of the competence period. Those successfully meeting the requirements will be issued with a Continuing Competence Certificate, for the appropriate activity, this allows them to progress into the next 2 year period.
- 1.4.7. As well as providing the initial awards/ qualifications CIWM and WAMITAB has provided the mechanisms for individuals to undertake the required Continuing Competence tests. The method for this

assessment is computer based through a suite of “test centres” across the UK. Proof of identity will be required. CIWM and WAMITAB will also provide the necessary certificates to enable competent individuals to demonstrate this to both the Regulator and other interested parties.

1.4.8. Suitable courses, workshops, conferences, information provision etc will also be made available to support continued competence for those who wish to maintain and update their knowledge in this way in preparation for their continuing competence tests.

## **1.5. Benefits of the scheme**

1.5.1. The scheme ensures that the requirement for demonstrating technical competence is flexible, proportional to the risk of the facility and that individuals have an element of choice in how they achieve/demonstrate their competence.

1.5.2. All competence awards are based, where they exist, on National Occupational Standards to ensure that they are equitable and suitable.

1.5.3. The scheme is based on established principles but is streamlined and ensures knowledge is maintained and updated.

1.5.4. The Regulator will be able to identify the ‘Competent’ person through a combination of their own records of competent persons (deemed competent/Agency assessed) , Continuing Competence Certificates, appropriate award certificates (Operator Competence Certificate) and EPOC certificates –Data on WAMITAB and CIWM issued certificates will be made available to the Environment Agency in an agreed format.

1.5.5. It is considered that the Scheme is complimentary to the “Competence Management System” (CMS) proposed in that the CMS route can draw upon individual competence awards from this scheme. It is likely that this scheme would compliment others that are approved in the future and could potentially be flexible to permit other schemes to utilise the Continuing Competence process if required

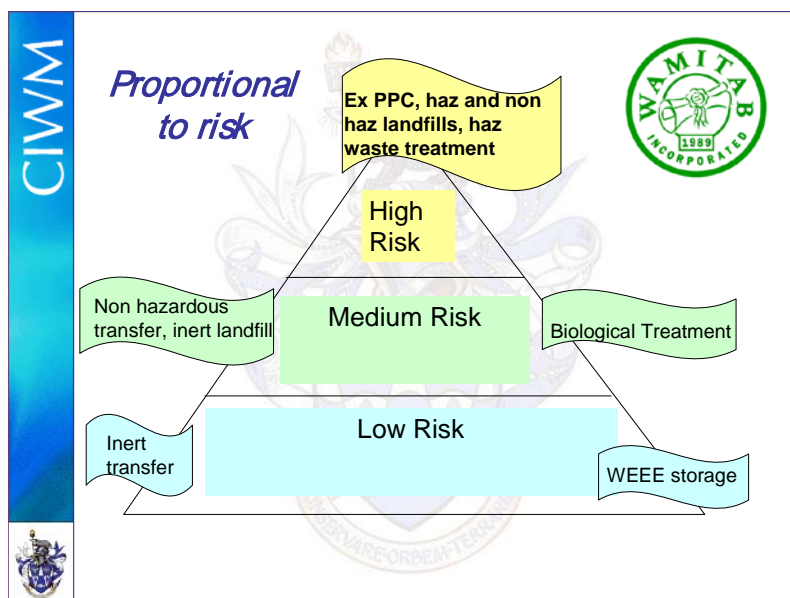
## **2. Outline of Proposal**

- 2.1. The Scheme is based on “tiered” competence levels for waste managers and requires them to **demonstrate their ability to understand and comply with the requirements of their permit(s)**.
- 2.2. Any permitted waste management facility relying on personal competence through this Scheme is required to have at least one confirmed technically competent person available on site for the appropriate amount of time as stated in the latest Environment Agency guidance. Valid certificates for both the initial competence awards and Continuing Competence should be displayed in the site office; this will improve ‘visibility’ for regulators / public.
- 2.3. Competence will be maintained through satisfactory demonstration of agreed Continuing Competence for each sector – tests will consist of a generic test and a sector specific test. Tests are provided through centres approved by CIWM / WAMITAB’s current test platform provider and can be booked via the WAMITAB website.
- 2.4. CIWM and WAMITAB will maintain registers; including making some details of agreed entries available to selected Agency personnel. This will include details of personal competencies gained and maintained through these awards: NVQ qualifications (with or without a CoTC); 6 unit and 4 unit qualifications; Certificate in Waste and Resources Management (VRQ); EPOC and Continuing Competence Certificates.
- 2.5. CIWM/WAMITAB will also support these competent managers through access to relevant information and targeted training to facilitate their continued learning and satisfaction of relevant Continuing Competence tests. Competent managers would however, remain free to gain information, knowledge and skills through any means they wish in order to pass the Continuing Competence test.
- 2.6. Proportional demonstration of competences for medium and low risk activities reduces the time required to gain appropriate awards for new facilities. Applicants for these facilities may be capable of gaining appropriate awards before a permit is issued, but a degree of flexibility is offered to help both operators and regulators.
- 2.7. For High and Medium Risk Tier operations, the period of grace is 12 months (excluding landfill, where there will be no period of grace, as per the original system). Where an operator wishes to utilise the 12 month grace period an initial (basic) level of competence will have to be demonstrated within 4 weeks of the site becoming operational through either completion of the relevant 4 NVQ units or the EPOC. See Annex 3 for table of transition (grace) periods.

### 3. Categorisation of Permitted Facilities

A tiered approach to demonstration and maintenance of competence is linked to risk and complexity of waste management operation. Three main subdivisions of types of facilities have been identified; High, Medium and Low risk (see Fig 1).

**Fig 1 – Categorisation of Permitted Facilities**



### 3.1. High Risk

3.1.1. This tier includes most previously PPC regulated waste sites and activities of similar risk/complexity. It includes all non hazardous and hazardous landfill – operational and closed, and most hazardous waste facilities. See Annex 1 for full allocation of facilities.

### 3.2. Medium Risk

3.2.1. These facilities are predominantly sites which manage non inert wastes and include the following:

- Non Hazardous transfer stations
- CA sites/HWRC
- Material Recovery Facilities
- End of Life Vehicle facilities
- Biological Treatment facilities
- Inert Landfill (operational and closed)

See Annex 1 for the full allocation of facilities.

### 3.3. Low Risk

3.3.1. These facilities are predominantly sites which either manages inert wastes or sites for which the waste streams are very specific and the process is clearly defined. They include:

- In house storage of waste
- Inert transfer
- Metal Recycling Sites (MRS) – dry scrap only – no free liquid)
- WEEE storage

See Annex 1 for full categorisation of facilities.

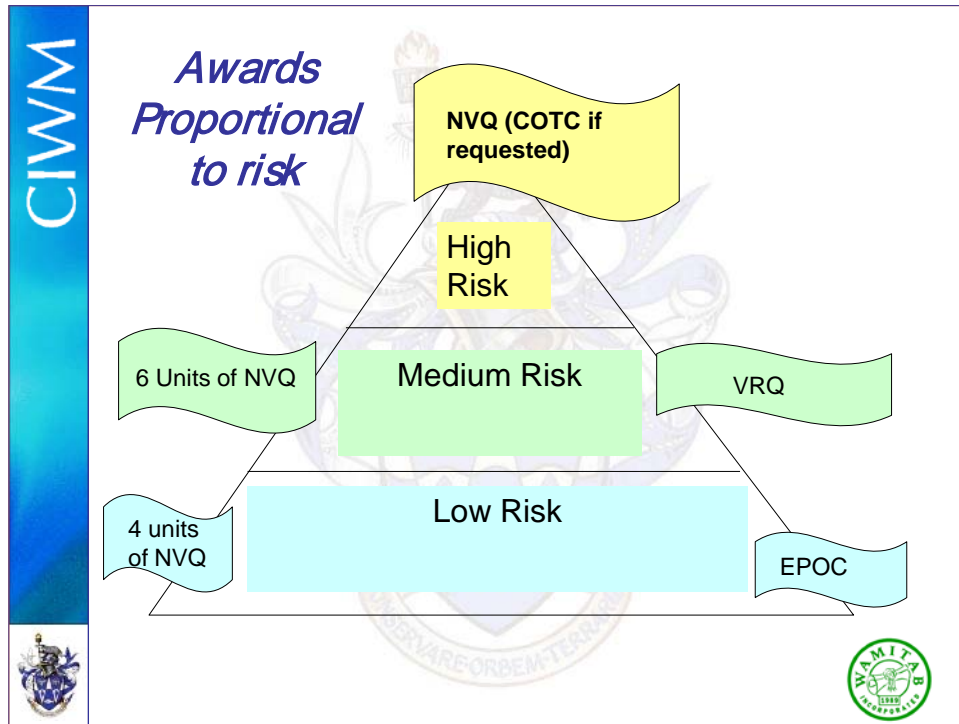
#### **3.4. Allocation of Activities to risk tiers**

3.4.1. The 3-way activity based classification of a complex and diverse industry is necessarily simplistic and involves arbitrary allocation of some activities to risk tiers in some cases. Allocation has been completed based on input from the Environment Agency, having regard to consultation responses. The risk tiers have been updated to accommodate the new permissible activities as a result of the exemptions review and subsequent introduction of the Environmental Permitting Regulations 2010. If new categories of activity are identified at some later date they may be added to the appropriate risk tier, subject to Defra/WAG and Environment Agency agreement as required.

## **4. The Awards**

CIWM and WAMITAB have continued to update the range of qualifications or groups of units to demonstrate technical competence for managing wastes. Candidates should choose specific options based on their preferences, learning styles etc. The awards are summarised in Fig 2.

**Fig 2 – The Awards in relation to Risk Tier**



All awards have been based on the National Occupational Standards, where they exist and where they are appropriate, to ensure the qualifications are compatible and fit for purpose. The qualifications have been agreed by Defra/WAG as providing a suitable pathway for operators to meet the 'operator' competence' requirements as specified within the Environmental Permitting Regulations 2007.(now Environmental Permitting Regulations 2010).

#### 4.1.High Risk

- 4.1.1. In this tier competence is to be demonstrated through the range of NVQs/ - backed by a requirement to maintain competence. Individuals who also wish to apply for the CoTC in addition to the NVQ qualification will be able to do so although this will not be compulsory. This NVQ based competence may also be more attractive to candidates less familiar with further education and more comfortable with workplace assessment. Competence demonstrated through relevant 'High Risk' awards can be used as proof of competence for relevant lower risk activities. i.e hazardous landfill

can be utilised for non hazardous landfill and inert landfill. However a landfill qualification can not be used to demonstrate competence for a biological treatment activity.

This is acceptable due to a suitable hierarchy on both the NVQ and the VRQ sides of the pyramid. I.e. the content of the VRQ covers the relevant elements of the EPOC plus more, to allow it to be utilised for lower tier activities. Likewise the NVQ/VRQ units in the higher tiers include those in the lower tiers.

## 4.2. Medium Risk

4.2.1. These awards demonstrate competence for a range of treatment, transfer operations and inert only landfills in the 'Medium Risk' category shown in Annex 1. Competence is demonstrated by achieving either a vocationally related qualification (VRQ), Certificate in Wastes and Resource Management or Six specified units of a relevant NVQ.

### 4.2.2. Vocationally Related Qualification

The VRQ is a 'taught and tested course' with scenario based unit assessments and an assignment. It has been approved by the Qualification and Curriculum Authority (QCA) for inclusion in the National Qualifications Framework (NQF) and as such is a nationally recognised qualification.

4.2.2.1. The learning will comprise of approximately 5 "classroom" teaching days, scenario based unit tests plus an assessed work based assignment designed to relate the knowledge gained to the candidates permitted facility. The assignment is easily written to relate knowledge to a new facility so long as it has draft planning/permit and management procedures etc.

4.2.2.2. It currently includes 4 variants to allow a greater focus on the facility type to be managed by the candidate – plus a high level review of other major waste management activity types. The 4 variants cover:

- Biological treatments
- Simple processing /physical treatment
- Thermal Treatment
- Contaminated Land Remediation

Further optional units planned are to cover Inert Landfill. Others can be added as required at a future date as deemed necessary and subject to approval.

4.2.2.3. Waste Transfer is not covered separately in the VRQ as it is an integral part of the award for both treatment options. Those

running transfer facilities would most likely choose the physical treatment option as transfer is most likely to involve some minor treatment e.g. sorting, though a candidate's choice may depend on their future plans.

4.2.2.4. Topics covered in the VRQ award include:

- Principles of sustainable waste management
- Waste generation
- Waste management policy and legislation
- Compliance with Environmental Permits
- Health and safety
- Technical aspects (compulsory section and option)

4.2.2.5. The variants of the VRQ offered reflect the specific needs of the different sectors through the optional unit; however all variants contain the generic units covering generic waste legislation, compliance issues etc as well as knowledge relating to the other sectors. Therefore it is proposed that if an operator with the biological treatment variant later wishes to undertake other forms of treatment at this level only the relevant optional unit will need to be undertaken in order to gain an additional qualification.

4.2.2.6. For the VRQ route, proof of competence hinges on satisfactory proof of learning (unit assessments) plus an assignment. The taught and tested sections should be capable of completion in one classroom week. The assignment should be completed within 8-12 weeks of the learning. This learning style is likely to be more attractive to candidates who have already undertaken further education.

4.2.2.7. The VRQ is available through a network of approved centres throughout England and Wales. Centres/providers are approved by WAMITAB to deliver the VRQ, we envisage sufficient centres/providers will come forward in the long term to ensure adequate competition and cost-effective delivery of this qualification. There is an existing mechanism for any provider who wishes to become an approved WAMITAB centre.

4.2.3. NVQ route - Six Units of the relevant qualification

This competence qualification is achieved after satisfactory completion of six specified units of the relevant qualification - the so called 'technical units'. The six units comprise:

- Control the reception of waste;

- Control the movement, sorting and storage of non-hazardous waste;
- Monitor procedures to control risks to health and safety;
- Control site operations;
- Control the disposal of outputs and residues; and
- Environmental protection.

4.2.3.1. All these units have already been accredited by the Qualifications and Curriculum Authority (QCA) and are currently available through approved providers in England and Wales (they will subsequently be accredited by Ofqual for the QCF).

4.2.3.2. These six units can be used to demonstrate competence for any form of treatment and transfer at this level.

4.2.3.3. The 'six-unit' qualification is assessed in the workplace and achievement provides the necessary proof of competence; it also provides progression pathways and an opportunity to add additional competency units over time leading to the full NVQ/CoTC if required.

4.2.4. A competence hierarchy exists and "Higher Tier" competences will be acceptable where appropriate as proof of Technical Competence for management of lower tier facilities of a similar nature but not vice versa

4.2.5. Upon completion of the relevant six units of the NVQ an 'Operator Competence Certificate' will be issued by WAMITAB.

### 4.3. Low Risk

4.3.1. For "Low risk" facilities competence can be demonstrated through two options; a 'four-unit' qualification (based on the NVQ) and a training programme (assessed throughout) referred to as the 'EPOC'. Upon completion of the relevant "four units" of the qualification the individual will be awarded an 'Operators Competence Certificate'.

The EPOC – Environmental Permit Operators Certificate, is a training programme and as such is not accredited as a formal qualification by the Qualifications and Curriculum Authority (QCA, now Ofqual)); thus it does not sit within the National Qualifications Framework which lists all the accredited qualifications in England and Wales. Upon successful completion of the EPOC a certificate will be issued by CIWM.

4.3.2. NVQ route – four units of a relevant NVQ.

4.3.2.1. These are assessed in the workplace and successful achievers receive their unit certificates plus their Operator Competence Certificate, which demonstrates the necessary proof of competence.

4.3.2.2. All these units have already been accredited by QCA and are currently available through approved providers in England and Wales.

4.3.2.3. The four specified units comprise:

- Monitor procedures to control risks to health and safety;
- Control site operations;
- Control the disposal of outputs and residues; and
- Environmental protection.

#### 4.3.3. Environmental Permit Operator Certificate

The training route for proof of competence hinges on satisfactory completion of an Environmental Permit Operator Certificate (EPOC) which will consist of 2 days classroom based learning and a scenario based test and other exercises to demonstrate application of learning.

4.3.3.1. This is a training course that has been mapped to the National Occupational Standards to ensure compatibility. It has been approved by Defra/WAG and has been agreed that it forms a suitable pathway for operators to meet the 'operator competence' requirements for low risk activities.

In maintaining the EPOC CIWM/WAMITAB will continue to working closely with partners within the Waste Industry to ensure it is fit for purpose and will continue to develop a range of case studies to ensure a variety of different types of waste management activities are covered in the "real life" examples.

4.3.3.2. The sessions covered in the EPOC consist of:

- Potential environmental impacts/Environmental risk assessment
- Introduction to key legislation – including water discharge activities, Planning and environmental health requirements
- Environmental Permitting Regulations (updated)
- Role of regulator/enforcement + case study/exercise
- Exercises re responsibilities of permit holder/ environmental nuisances/compliance
- Duty of Care
- European Waste Catalogue
- Hazardous Waste overview
- Health and Safety responsibilities including case studies

4.3.3.3. This significantly streamlines proof of competence for low risk/low complexity facilities and removes a major barrier to development of these (usually waste recovery – related) activities.

#### **4.4. Choosing between Vocational and ‘taught and tested’ routes**

4.4.1. Individuals who are required to demonstrate technical competence for either medium or low risk facilities have a choice of the type of award. When making this choice the candidate should identify if they prefer ‘on the job’ (vocational) assessment or a combination of taught sessions and written tests.

Candidates who prefer to demonstrate their competence and knowledge in a practical manner ‘on site’ and in the working environment may prefer the NVQ unit route to technical competence. This consists of demonstrating your competence to an assessor and producing work-based evidence. When the appropriate units are completed the relevant Operator Competence Certificate will be awarded. If the candidate moves to manage a facility in a higher risk tier some units already taken may be able to be used as evidence for the higher tier award. In most cases the candidate will just need to top up with any additional units. If the candidate completes all units the NVQ can be awarded (a requirement for the facilities in the High Risk Tier).

If the individual prefers to gain a qualification based on ‘taught and tested sessions’ then the VRQ path may be preferred. The VRQ units are delivered ‘off the job’. The VRQ provides a pathway for the candidate to develop their knowledge and understanding over a period of time during which they are tested to ensure outcomes that meet technical competence requirements.

The VRQ may also appeal to candidates who understand how their facility is to operate in accordance with the permit but has yet to start operating and is therefore unable to complete any ‘on the job’ assessments.

If the candidate is required to progress to a facility in the High Risk Tier, Accreditation of Prior Learning may be utilised to take account of knowledge gained in the VRQ. This will need to be discussed with the assessor before or whilst undertaking the ‘new NVQ award’.

For Low Risk Tier facilities candidates have the option of the EPOC, a two day training course. This can be completed before the facility is operational. Accredited Prior Learning may be utilised if the individual is required to progress to other higher risk facilities.

## 5. Existing and Future CoTC Holders

- 5.1. NVQ/CoTC holders will **not** have to complete one of the new awards if they are operating or wish to operate within either the High, Medium or Low risk categories and already have a relevant CoTC. **Relevant** higher level awards will always be applicable to a lower risk category, e.g. a VRQ or NVQ unit based qualification will be acceptable as evidence of competence for a site in the low risk category of a similar nature (see Annex 2 for relevance of higher level awards). This offers flexibility to individuals who want to move to new sites/risk tiers.
- 5.2. Anyone wishing to use their CoTC as demonstration of competence will still be required to demonstrate Continuing Competence in accordance with this scheme.

## 6. Existing Facilities – Previously Assessed by Environment Agency

- 6.1. All operators of facilities not previously covered by CoTCs i.e. operators of sites that were previously assessed by the Environment Agency, will not be required to complete a new award for the site they were assessed on. This does not apply to those individuals who were provisionally assessed by the Environment Agency in order to allow them to utilise the previous scheme's 2 year grace period to gain their CoTC (under the Waste Management Licensing Regulations (WML)).

It should be noted that the reliance on the Environment Agency assessment for those facilities that were previously outside of the WML Competence regime relates to the individual who was assessed for the specific facility they were assessed on. If this person was to move to another similar facility the individual could only take his/her 'competency' with him/her if he/she has also undertaken the Continuing Competence test.

If the company needs to identify a new appropriate technically competent person this would have to be demonstrated by an appropriate qualification and in subsequent years a relevant Continuing Competence Certificate. .

- 6.2. All Competent persons relying on the Environment Agency assessment will be required to complete the relevant Continuing Competence test within the first two year competence period (see section 10 below), and in subsequent Continuing Competence periods
- 6.3. Any operator not able to demonstrate their facility is managed by appropriately competent staff by the end of the first Continuing

Competence period will no longer be able to satisfy the regulator that the day-to-day operations are in the hands of technically competent management. The regulator will therefore take appropriate action as the operator will no longer be a “Fit and Proper” person.

- 6.4. The simplicity of passing the Continuing Competence test should be no barrier to any person who has previously demonstrated technical competence.

## 7. ‘Deemed’ Competent Persons

- 7.1. Any technically competent manager currently classified as “deemed competent” under the current system will **not** be required to complete an appropriate initial award however they will be required to satisfy the Continuing Competence test within the first 2 year and subsequent competence periods as above. Therefore within two years all competent persons will have demonstrated how they have maintained their competence by successfully passing a Continuing Competence test.
- 7.2. It will be at the Environment Agency’s discretion as to who is accepted as “deemed competent”.
- 7.3. The simplicity of passing a Continuing Competence test within the first 2 year competency period should be no barrier to continued operation and management by any responsible waste manager previously ‘deemed’ competent.
- 7.4. Once a ‘deemed competent’ person has successfully passed a relevant Continuing Competence test they will be considered competent for other relevant sites i.e. they are not restricted to their original site. However, as with all competent persons, continuing competence must be maintained.

## 8. New Facilities

- 8.1. Operators opening up new facilities within the scope of the permitting requirements will be required to obtain the appropriate initial awards.
- 8.2. For **low risk facilities** the relevant competence award should be gained within a maximum of 4 weeks of the permitted activities commencing, i.e. the site becoming operational. However, the streamlined initial competence awards should mean that under normal circumstances applicants could complete them within this 4 week deadline. .

- 8.2.1. Where applicants intend to rely on the 4 week 'grace' period the underpinning knowledge of the NVQ units will need to be completed prior to the issue of the permit in order to allow enough time to complete the work place assessment (NVQ units).
- 8.3. Operators of new, **non**-landfill facilities in the High/Medium risk tiers can have up to 12 months from permitted activities commencing to gain the relevant award. Evidence exists to demonstrate that individuals can achieve a full level 4 NVQ qualification within twelve months. (Analysis of data from WAMITAB indicates that during 2006 95% of candidates achieved the CoTC within 12 months). The VRQ should be completed within 2-3 months of completing the taught units.
- 8.3.1. Any non-landfill operator within the High/Medium risk tier who needs the 12 month grace period to obtain the appropriate award will first need to demonstrate basic competence within 4 weeks of permitted activities commencing by obtaining a low risk category award e.g. the EPOC or the relevant 4 NVQ units prior to completing the relevant High or Medium Risk Tier qualification. This demonstrates knowledge of the legislative framework and compliance issues and will take the place of the current Agency assessment.
- Any operator of a previously exempt facility that now requires a permit in accordance with the Environmental Permitting Regulations 2010 may take advantage of the transitional arrangements if they were operating the facility/ site under the registered exemption prior to April 5<sup>th</sup> 2010. Details of the transitional arrangements can be found in section 9 below.
- 8.4. The option of a VRQ is considered particularly important for new entrants (in Medium Risk Tier) where they may find it difficult to undertake an NVQ qualification due to not having the facilities where work placed assessment can take place. The VRQ is a combination of a taught programme and specific assignment; it can therefore be used where facilities are still in the planning/development phase.
- 8.5. See Annex 3 for a summary of the Transition/grace periods.

## 9. Previously Exempt Facilities

- 9.1. These provisions apply to individuals who held a management role in relation to an exempt activity which now requires a permit (Environmental Permitting Regulations 2010).
- 9.1.1. To make use of the Transitional arrangements the activity must have been registered as exempt with the Environment Agency prior to April 5<sup>th</sup> 2010.
- 9.2. All previously exempt facilities will have a date specified in the Environmental Permitting Regulations 2010 by which time they must have

applied for a permit, registered for a new exemption if they can meet the new terms or have stopped operating.

- 9.2.1. Operators will have 12 months from the issue of the new permit or the indicative date (from the regulations), whichever is sooner, to demonstrate Operator Competence within this scheme.
- 9.3. Operators of previously exempt AD facilities will need to demonstrate Operator Competence in accordance with the normal requirement of this scheme.
- 9.4. Operators of **non** AD Facilities (registered as exempt prior to 5<sup>th</sup> April 2010) will be able to demonstrate Competence through passing an initial Generic test based on Legislation, Environment Protection and Health Safety. This initial test is available at the same network of test centres as the Continuing Competence test and is bookable through the WAMITAB website. The test should be successfully completed within 12 months of the grant of the permit or the indicative date from the legislation, whichever is sooner.
  - 9.4.1. At the time of permit application the operator should notify in writing to the Environment Agency who is the nominated technical competent manager.
  - 9.4.2. Provisions have been made for previously exempt sites to move to a new location so long as the undertaking is of the same activity as was previously registered for. In this instance the nominated person must have passed the initial test within 12 months of issue of the original permit.
  - 9.4.3. This transitional arrangement only applies up to the date specified in the Regulations (the date by which the permit applications must be received).
- 9.5. Any new facilities not previously registered prior to April 5<sup>th</sup> 2010 must demonstrate Operator Competence in accordance with the full scheme in the same way as any other new facility.
- 9.6. See Annex 4 for further details of the transitional Competence provision for exemptions now needing permits

## 10. Continuing Competence

- 10.1. All Competent individuals, irrespective of the initial competence award will have to demonstrate Continuing Competence i.e. they have to maintain their competence over time. This system hinges on effective enforcement by the regulator for those who do not demonstrate Continuing Competence.

10.2. Continuing Competence for waste managers includes:

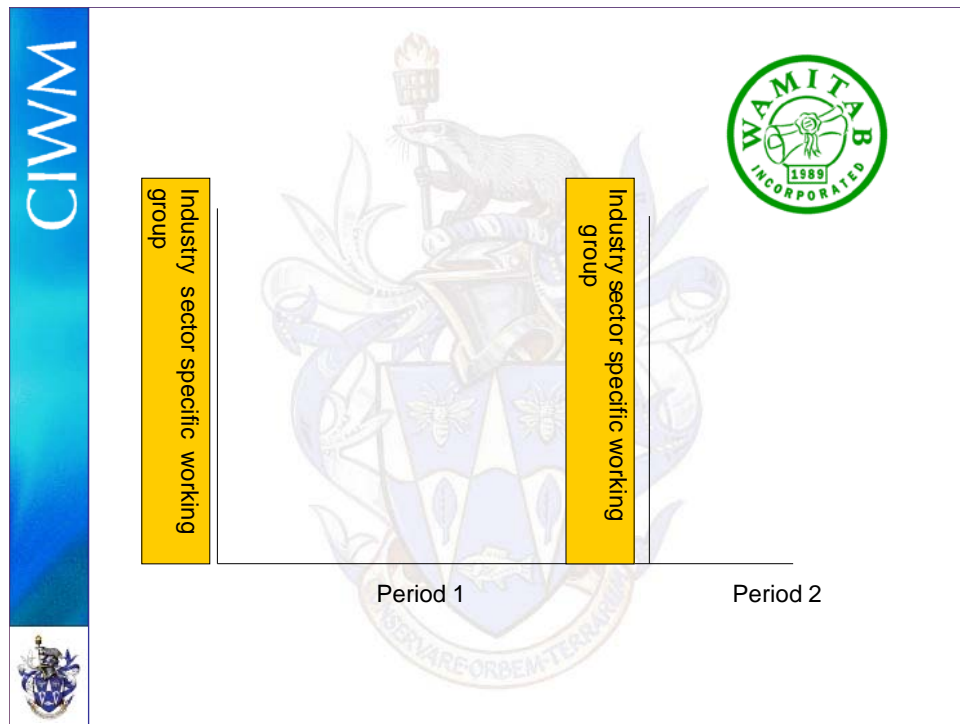
- an update of knowledge and understanding relevant to changes which affect their activity
- the need to ensure compliance with permits and
- Helping deliver compliance by other users of their facility.

10.3. Continuing Competence for the purposes of Technical Competence will only be intended to cover compliance with relevant waste controls and policy.

10.4. The specification (syllabus) for Continuing Competence for each period will be considered by appropriate steering groups drawn from relevant trade associations and other relevant organisations and individuals. These may include, ESA, EIC, BMRA, CA, MVDA, LGA, SMDSA etc. (See Fig 3)

These working groups will help to identify the changes/on-going key knowledge etc that they feel is important. This information will be fed to a decision making group comprising of CIWM, WAMITAB and EA. CIWM/WAMITAB will then co-ordinate the drafting of the Continuing Competence objectives for consultation with the relevant working groups.

**Fig 3 – Industry cross-sector steering groups**



10.5. Continuing Competence will not attempt to anticipate changes likely during the next competence period but only include changes confirmed during the last competence period; otherwise delays or changes to implementations would render the Continuing Competence specification at least partially inappropriate.

10.6. The test comprises two sections; a generic Continuing Competence syllabus/ test applies to all facilities. In addition to this there are also sector specific element for different types of facilities. Therefore the Continuing Competence test will include the generic specification plus more detailed learning relevant to the sector specific activities.

10.7. The Continuing Competence syllabus, information, advice and guidance, example questions and model answers will be published prior to the start of each competence period so all managers needing to prove Continuing Competence will be fully aware of what they will be expected to know. Further information is available on the WAMITAB web site.

10.8. After the initial period competence periods will be fixed 2-year periods. (See Fig 3). The first period being extended by 12 months to allow more time for dissemination of information, learning and development of individuals. Thus the first period is from 1<sup>st</sup> March 2009 to 29<sup>th</sup> February 2012 with subsequent periods as follows:

- 1<sup>st</sup> March 2012 – 28<sup>th</sup> February 2014
- 1<sup>st</sup> March 2014 – 29<sup>th</sup> February 2016 etc.

[In considering the Continuing Competence period, one year was considered too short to be resetting objectives / tests and subsequent learning for candidates. A three year period was considered too long to wait for confirmation that changes had been absorbed. To be pragmatic CIWM/WAMITAB proposed a 2 year competence period especially while the pace of legislation/policy change in this sector remains high.]

WAMITAB and CIWM will review the Continuing Competence schemes and make recommendations for any adjustments necessary to Defra/WAG.

- 10.9. Continuing Competence will be confirmed through a standard test agreed by the appropriate sector working groups, relying on agreed sets of questions to allow a candidate to take more than one test if necessary without encountering the same questions.
- 10.10. Tests will be computer based and delivered through a network of initially 60 test centres UK wide, rising to in excess of 150 by March 2012. This network provides checks on identity of persons taking the test and can accommodate candidates with special requirements or learning difficulties such as dyslexia with prior notice.
- 10.11. Candidates achieving an initial competence award/qualification in any period will not be required to take the corresponding Continuing Competence test for that period. However they will be required to take the Continuing Competency test for the following 2-year period in the same way as everyone else. See Fig 4.
- 10.12. The test is designed not to create barriers for the demonstration of continuing competence.
- 10.13. Continuing Competence candidates are able to use any learning means suitable to their needs to gain the required knowledge and to take as many tests as necessary to achieve a pass within the competency period.
- 10.14. Candidates registered with either CIWM or WAMITAB will be supported through access to information, training etc. suitable to help them meet their Continuing Competence requirements for that period.
- 10.15. Successful candidates will be issued with Continuing Competence Certificates, dated to cover the competence period for the appropriate type of activity and maintained on the respective competence registers as appropriate.
- 10.16. The Continuing Competence scheme and its relevance for those individuals who are new entrants or Deemed Competent/existing CoTC holders/ Environment Agency Assessed is shown in Figs 4 and 5.

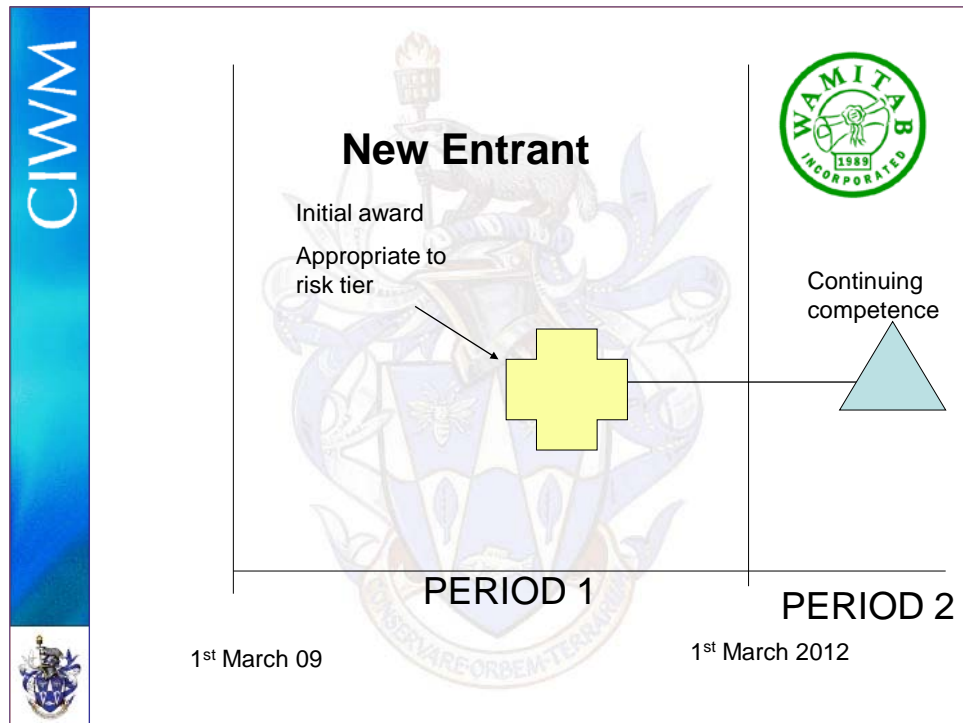
10.17. Existing CoTC holders/Deemed Competent persons/EA assessed persons.

Waste Managers who

- have already obtained an initial competence award or
- already hold a relevant CoTC, or
- are considered “deemed competent” or
- have already been assessed by the Environment Agency;

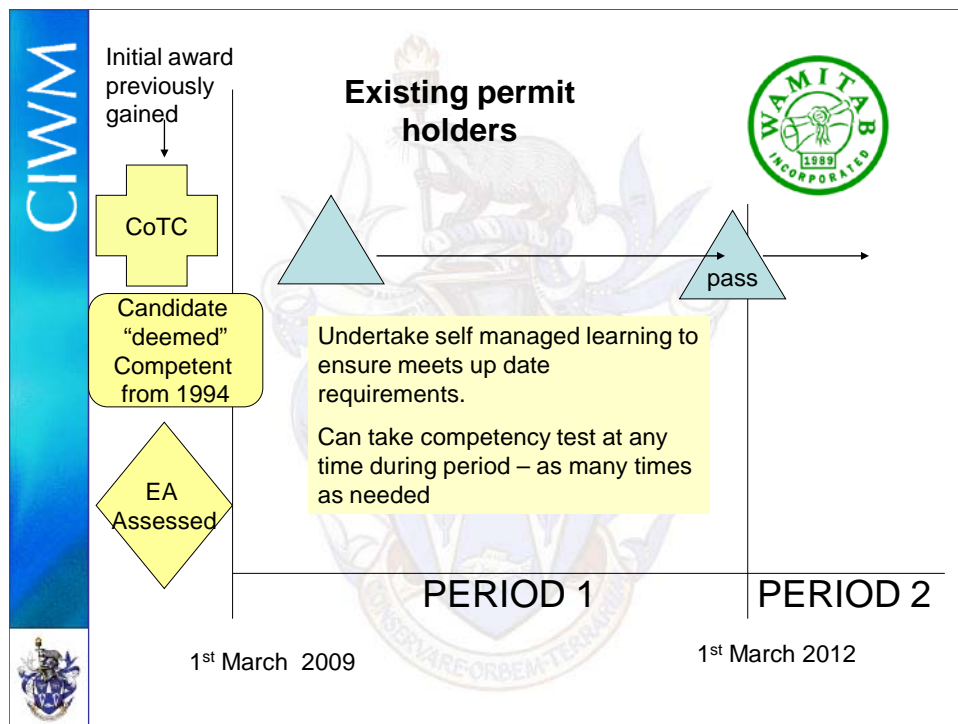
need only to satisfy the Continuing Competence requirements appropriate to maintain their current competence in order to successfully pass into future competence periods. As with any other candidate, these managers are free to take the continuing competence test as many times as they feel necessary, although a fixed fee will apply to each test.

**Fig. 4 New Entrants**



**Fig 5**

**Existing CoTC Holders/Deemed Competent/Agency Assessed persons**

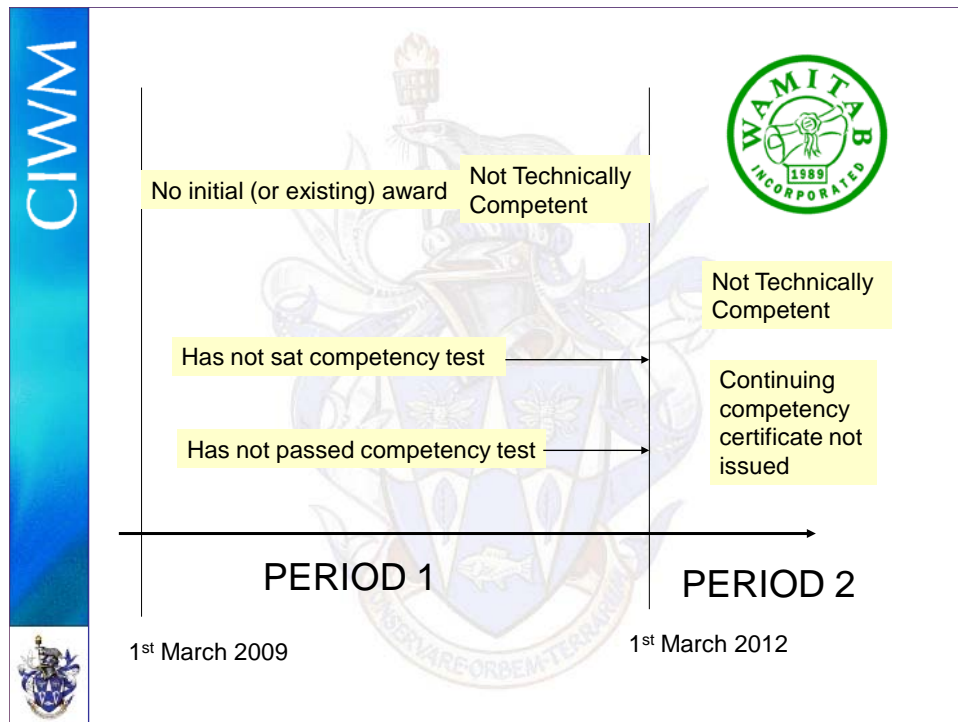


10.18. Failure to pass the Continuing Competence test within any competence period will result in CIWM/WAMITAB not being able to issue an appropriate certificate to demonstrate compliance with the scheme to the Regulator. (See Fig 6)

10.19. Some candidates may be tempted to leave the Continuing Competence test until the last minute. CIWM and WAMITAB will work to ensure adequate training and testing capacity exists to cope with demand but the responsibility to plan, prepare for and pass appropriate awards and tests must rest with individuals.

10.20. Those candidates who wish to make use of the 12month extension to the first period should register their intent with WAMITAB before 28<sup>th</sup> February 2011 in order that the scheme providers can monitor progress with the uptake of the continuing competence test and can ensure up to date information is provided.

**Fig 6 – Competency not maintained**



10.21. An operator who fails to pass or take a Continuing Competence test for whatever reason will not be considered “competent” until they have satisfactorily completed the current version of the test. If an individual misses a whole competency period they will not be required to sit the “missed” test but will be required to pass the current version. CIWM and WAMITAB will ensure that the tests are sufficiently robust to cover key areas still relevant from previous years without making the test syllabus too onerous.

## 11. What the Regulator should see

11.1. The Regulator is no longer required to undertake their own assessment of Technical Competence. Instead, a series of different types and levels of awards/qualifications are available which are applicable to all facilities including those not previously within the CoTC scheme. These new awards allow the operators to achieve the awards quicker than previously, allowing shorter grace periods and more operators to demonstrate competence prior to completion of the permit application process.

11.2. The Regulator should also see equality across all sectors in that there will be a phasing out of the “deemed competent” status within two years and all competent persons will be required to maintain and update skills and knowledge through the Continuing Competence scheme.

11.3. The Regulator retains the flexibility of their proportionate enforcement policy in line with 'Modern Regulation'. Enforcement actions can, if required vary according to whether the site had no one present with an appropriate competence qualification or no Continuing Competence certificate, or an out of date Continuing Competence certificate.

## 12. Cost of the Scheme

11.1 There are two main elements of cost; the cost of achieving initial competence and then the ongoing cost of maintaining this competence over time. The current costs are approximate and will vary depending on the initial competence of the individual, level of uptake, market forces and provider's costs.

11.2 Approximate costs for achieving the initial competence benchmark for the three tiers are as follows:

- High risk tier = £2-3K per individual per qualification
- Medium risk tier = £1.2K - £2K per individual per qualification
- Low risk tier = £750 - £1,000 per individual per qualification/award.

11.3 The cost of 'Continuing Competence' is calculated purely as the cost of taking the test as individuals are free to choose the mechanism for keeping up to date depending on the individual's preference and circumstances.

11.4 The cost to a candidate of maintaining just one Competence in a 2 year competence period is currently approximately £100.

# 13. Annex 1

## Allocation of Waste Management activities to High, Medium and Low Risk Competence Tiers

The division of the activities within the table has been developed taking into account consultation responses and the requirements of the Environment Agency.

Where a facility/permit authorises more than one activity the appropriate risk tier will be the higher tier.

This table has been updated to accommodate the changes in the exemptions following the implementation of the Environmental Permitting Regulations 2010.

Risk	Description	Standard Rule Permits references (where applicable)
High	Hazardous Waste Landfill (open and closed)	
High	Non Hazardous Waste Landfill (open and closed)	
High	Hazardous waste disposal(not incineration or landfill)	
High	Recovery of oil/organic solvents	
High	Cleaning/regeneration of carbon, charcoal, or ion exchange resins	
High	Production of solid fuel from waste – involving use of heat	
High	Recovery of Hazardous Waste	
High	Hazardous transfer/treatment (not covered in lower tiers)	Including SR2008Nos 5, 6,7,8,9.
High	Hazardous waste transfer/treatment – clinical waste	Including SR2008No 24 &25
High	WEEE ATF processing –not covered by SR2008No23	
Medium	Non hazardous transfer/with or without treatment (not otherwise specified)	Including SR2008N01, SR2008No2, SR2008No3, SR2008N04  Also including SR2008No 14 &15
Medium	Contaminated Land Remediation	
Medium	Treatment of land for reclamation, restoration or improvement of land	SR2010No9 or SR2010No10
Medium	Mobile Plant for treatment of land for land reclamation, restoration or improvement	SR2010No5
Medium	Deposit in lagoons of non hazardous	

	dredgings from waterways	
Medium	Storage and treatment of dredgings for recovery	Including SR2010No18
Medium	Use of waste to manufacture timber or construction products	SR2010No13
Medium	Non hazardous clinical waste transfer/treatment	
Medium	CA sites/HWRC	Including SR2008No 12 &13
Medium	Material Recovery Facilities	Includes SR2008No14 and SR2008No15
Medium	End of Life Vehicle facilities (vehicle storage, depollution and dismantling)	Including SR2008No20
Medium	Metal Recovery Site (wet scrap e.g. oily metal swarf – free flowing liquid)	Includes SR2008No21 & 22 SR2009No7
Medium	Composting Biodegradable wastes	including SR2010No14, SR2010No16 &17
Medium	Anaerobic Digestion Facility including use of the resultant biogas	Including SR2010No15
Medium	On farm anaerobic digestion facilities including the use of the resultant biogas	SR2010No16
Medium	Storage of digestate from anaerobic digestion plants	SR2010No17
Medium	Mechanical Biological Treatment (MBT)	Including SR2008No18
Medium	WEEE ATF- non ozone depleting substances – physical treatment	Including SR2008No23
Medium	Pet Crematoria/non schedule 1 incinerators (EPR 2010) (not covered by the Waste Incineration Directive).	Including SR2008No26
Medium	Mobile Plant for land spreading (land treatment resulting in benefit)	SR2010No4
Medium	Mobile plant for landspreading of sewage sludge (land treatment resulting in benefit)	SR2010No6
Medium	Other Mobile Treatment Facilities (non hazardous)	
Medium	Inert landfills (open and closed)	
Low	Use of waste in Construction	Including SR2010No7 and SR2010No8
Low	Mobile Plant for treatment of waste to produce soil, soil substitutes and aggregate	SR2010No11
Low	Treatment of waste to produce soil, soil substitutes and aggregate	Including SR2010No12
Low	In house storage of waste	
Low	Inert transfer/physical treatment	Including SR2008No 10&11 SR2009No 5 &6
Low	MRS dry scrap (including separately collected batteries) – no free flowing	

	liquid	
Low	Pet Cemetery	Including SR 2009No1
Low	WEEE (storage only)	

# 14. Annex 2

## Transferability of existing competence (CoTC-based system) into new scheme.

A CoTC, being a higher award than the new options for medium risk or low risk activities may be used as demonstration of competence where appropriate as illustrated in this table.

		Medium Risk Activities			Low Risk
Existing CoTC		Physico-chemical Treatment	Transfer	Biological Treatment	(Treatment, Transfer and Biological)
Landfill	4	No	No	No	Yes
	3	No	No	No	Yes
Treatment	4	Yes	Yes	Yes	Yes
	3	Yes	Yes	Yes	Yes
Transfer	4	No	Yes	No	Yes
	3	No	Yes	No	Yes
CA	3	No	Yes	No	Yes
Incineration	4	Yes	Yes	Yes	Yes

i.e. an existing holder of a level 4 CoTC for waste transfer can use that award as proof of competence to manage a medium risk transfer operation or any low risk activity, but not a medium risk treatment plant.

# 15. Annex 3

**Table showing Transition (Grace) Periods  
(For exemption transitions see section 9 and annex 4)**

		<b>What needs to be demonstrated</b>	<b>When</b>
<b>Existing CoTC</b>		<b>Continuing Competence</b>	<b>By end of each competence period</b>
<b>Deemed Competent</b>		<b>Continuing Competence</b>	<b>By end of each competence period</b>
<b>Existing site currently outside CoTC system, with individual who has been assessed by the Environment Agency</b>		<b>Continuing Competence</b>	<b>By end of each competence period</b>
<b>New permits</b>	<b>High risk - landfill</b>	<b>Initial award</b>	<b>Prior to permit issue</b>
		<b>Continuing Competence</b>	<b>By end of each subsequent competence period</b>
	<b>High risk – non landfill</b>	<b>Initial awards</b>	<b>12 months from permitted activities commencing (with low risk award within 4 weeks of commencement of permitted activities)</b>
		<b>Continuing Competence</b>	<b>By end of each subsequent competence period</b>
	<b>Medium risk</b>	<b>Initial award</b>	<b>12 months from permitted activities commencing (with low risk award within 4 weeks of commencement of permitted activities)</b>
		<b>Continuing Competence</b>	<b>By end of each subsequent competence period</b>

	<b>Low risk</b>	<b>Initial award</b>	<b>4 weeks from commencement of permitted activities</b>
		<b>Continuing Competence</b>	<b>By end of each subsequent competence period</b>

# 16 Annex 4

Transitional Competence Provisions for Exemptions now needing permits due to changes in the Environmental Permitting Regulations 2010

