

DISPOSAL OF WASTE ALCOHOLIC BEVERAGES FROM LICENSED PREMISES DUE TO COVID-19

1. Background

- 1.1 Having regard to our **Principles for Regulatory Approach to EU Exit and COVID-19** of December 2020, as part of our commitment to support everyone we regulate during EU Exit and COVID-19 in ways that maintain protection for Scotland's environment, we are issuing more specific guidance where necessary. This COVID-19 guidance covers the disposal of waste alcoholic beverages from licensed premises due to COVID-19. It will be published on [SEPA's Regulatory Approach hub](#) on our website.
- 1.2 This Temporary Regulatory Guidance replaces SEPA's Temporary Regulatory Guidance on Disposal of Waste Alcoholic Beverages from Licensed Premises due to COVID-19 (Version 2), which applied from August 2020.

2. SEPA guidance

- 2.1. This guidance is aimed at operators of licensed premises who have unused casked/kegged beer and other similar beverages arising due to the COVID-19 pandemic. It sets out a hierarchy of options available and the considerations to take into account when deciding how to deal with this waste.

- 2.2. When non-essential businesses are ordered to close down to control the spread of COVID-19, many establishments have casks/kegs of alcoholic beverages that they are unable to sell. As Scottish Government relaxes the rules on businesses, SEPA recognises that they will need to clear their cellars and storage areas of beverages which are out of date or unfit for consumption in order to re-stock with fresh product.
- 2.3. Where the beverages are still suitable for consumption, establishments are encouraged to consider alternative ways to sell or supply them, for example through deliveries, takeaways or donation (providing this is in line with licensing controls).
- 2.4. Beverages which are unfit for consumption and which have to be discarded are waste. There are many options available to businesses to manage this waste and this guidance sets out a hierarchy of these options. The hierarchy is based on the waste hierarchy which prioritises recycling and recovery of waste over its disposal.
- 2.5. Recovery and disposal of waste alcoholic beverages is controlled by the following legislation:
- Environmental Protection Act 1990 and the Waste Management Licensing (Scotland) Regulations 2011 (WMLR): regulation of recovery and disposal of waste including spreading to land
 - Water Environment (Controlled Activities) (Scotland) Regulations 2011 (CAR): discharge to surface water, including discharge after treatment in public or private sewage works

- 2.6. Note that if the licensee intends to recovery duty paid on any alcoholic beverage, they should first contact the original or owning brewer before they begin the disposal process to ensure that they do it correctly and are able to receive the credit or replacement stock.

3. Hierarchy of options

Option 1: Can the waste beverage be re-routed to another manufacturing process, e.g. distillation to produce industrial alcohol or malt vinegar, or to make animal feed?

If no:

Option 2: Can the waste beverages be taken to an anaerobic digestion or composting facility?

If no:

Option 3: Can the waste beverage be applied to land? This may be to your own land, e.g. a golf course, or to agricultural land. Contact SEPA's [National Rural Unit](#) if you wish to use this option. The application must be done for agricultural benefit and there may be restrictions on the volume that can be applied.

If no:

Option 4: Can the waste beverages be returned to the source of manufacture for disposal?

If no:

Last resort: Can the waste beverage be disposed of to sewer? In order to do this you must get permission from Scottish Water, even if you have an existing trade effluent consent, and may have to comply with any additional requirements, e.g. relating to volumes and timing of disposal.

3.1 If licensees exhaust all these options and disposal to sewer is not a possible or practical last resort, they should revisit options higher up the hierarchy.

3.2 You should not dispose of waste beverages:

- to a private sewage works or septic tank. There is a high risk of overwhelming the plant and this may stop the plant from working altogether potentially causing costly damage and polluting receiving waters. Business owners are responsible for ensuring their discharge conditions are met and that they do not cause pollution of groundwater or any nearby surface waters.
- down a drain, especially a surface water drain. It can harm the environment if it enters rivers. This is because the presence of liquids such as beer will strip out oxygen from the watercourse, seriously impacting its ecology, including causing fish deaths.

4. What else do I need to know?

4.1 Health and Safety precautions should be taken with regards to:

- manual handling

- working in confined spaces
- CoSHH, esp use of line cleaning chemicals

HMRC: there are rules regarding duty and disposing of alcoholic beverages. Contact HMRC for further information.

4.2 Scottish Water: Before making any discharges to sewer you must apply to Scottish Water for temporary authorisation, even if there is an existing trade effluent discharge consent in place. You can apply directly to Scottish Water or via their Licenced Provider. An Application Form and further information on how to apply are available from TEQ@scottishwater.co.uk. Completed application forms should be submitted to the same e-mail address.

4.3 SEPA understands that Scottish Water will give consent/authorisation only where sufficient capacity exists to accommodate the discharge within their infrastructure and where the discharge will not cause harm. Discharges must be made to the foul/combined sewer and the customer must comply with any conditions Scottish Water imposes. This is a legal requirement under the Sewerage (Scotland) Act 1968. Scottish Water may refuse to grant consent where they deem a proposed discharge sewer poses a risk.

5. Useful contacts

5.1 For more information on disposal and recovering duty, businesses should contact the British Beer and Pub association [here](#).

5.2 Further advice on options within the waste hierarchy is available from a number of organisations such as:

- Zero Waste Scotland: www.zerowastescotland.org.uk
- The UK Former Foodstuff Processors Association
<https://www.agindustries.org.uk/sectors/animal-feed/ukffpa/>
- Renewable Energy Association (REA): general enquiries relating to composting and anaerobic digestion call 020 7925 3570 or e-mail Jenny Grant (jenny@r-e-a.net)
- Anaerobic Digestion and Bioresources Association (ADBA) : for general enquiries relating to anaerobic digestion call 020 3176 0503, email Sam Hinton (Sam.Hinton@adbioresources.org) or visit the website <http://adbioresources.org/contact>
- Location of your nearest AD site: <http://www.biogas-info.co.uk/resources/biogas-map/> and <http://adbioresources.org/map>

This guidance applies only in Scotland. The terms of this guidance may be subject to periodical review and be changed or withdrawn in light of technological, regulatory or legislative changes, future government guidance or experience of its use. SEPA reserves its discretion to depart from the guidance outlined here and to take appropriate action to avoid any risk of pollution or harm to human health or the environment.