



National Operational Guidance



NFCC
National Fire
Chiefs Council

Developed and maintained by the NFCC



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The Environmental Permitting (England and Wales) Regulations 2010 (EPR 2010)

Under the [regulations](#), it is an offence to cause or knowingly permit the release of pollution to ground or surface waters. This is unless the release is allowed by [an environmental permit](#) or exemption.

To cause must involve an active operation or the failure to take action. To knowingly permit involves the failure to prevent pollution where there is knowledge of it occurring.

The regulations do allow a defence where fire and rescue service actions cause pollution, but the following three criteria must all be met:

- A discharge is made in an emergency to avoid danger to human health
- All reasonably practicable steps were taken to minimise pollution
- The relevant environment agency is informed of the incident as soon as possible

See Section 1.4, [Environmental Protection Handbook](#).

[Environmental Damage \(Prevention and Remediation\) \(England\) Regulations 2015](#),

[Environmental Damage \(Prevention and Remediation\) Regulations 2009 in Scotland, Wales and Northern Ireland](#)

Under the regulations, fire and rescue services must take steps to prevent or reduce environmental damage. They must notify the appropriate regulator of:

- Damage to a site of special scientific interest
- Damage to species and habitats outside SSSIs that are protected by EU legislation
- Serious long-term damage to ground or surface water (that results in a decline in water status under the Water Framework Directive)
- Contamination of land by substances or organisms that cause significant risk to human health

In normal circumstances there is no defence against a breach of the regulations. However, there is a defence in exceptional circumstances. See Section 1.4.6, [Environmental Protection Handbook](#).

The regulator may require fire and rescue services to carry out preventive and remediation measures. It may also be necessary to pay costs for any environmental damage caused. For protected sites and species, a fire and rescue service may be liable if damage is deliberate or is

caused by negligence.

Water Industry Act 1999

It is an offence to release polluting material into a sewer without having consent from the sewerage company. Sewerage companies must be informed when accidental releases occur. See Section 1.6.4, [Environmental Protection Handbook](#).

Other relevant legislation

England and Wales:

- The [Hazardous Waste Regulations 2005](#) (as amended)
- [The Waste \(England and Wales\) Regulations 2011](#)

Scotland:

- [Water Environment \(controlled Activities\) \(Scotland\) Regulations 2011](#)
- [Sewerage \(Scotland\) Act 1968](#) as amended
- [The Special Waste Regulations 1996](#), as amended
- [Environmental Liability \(Scotland\) Regulations 2009](#)

Northern Ireland:

- [The Water \(Northern Ireland\) Order 1999](#)
- [The Waste and Sewerage Services \(NI\) Order 2006](#)
- [The Groundwater Regulations \(Northern Ireland\) 2009](#)
- [The Environmental Liability \(Prevention and Remediation Regulations \(Northern Ireland\) 2009](#)