

WASTE LEGISLATION

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Rules on business waste

- ➔ highly regulated
- ➔ everyone has to comply with at least one
- ➔ new rules coming all the time
- ➔ most driven by Europe

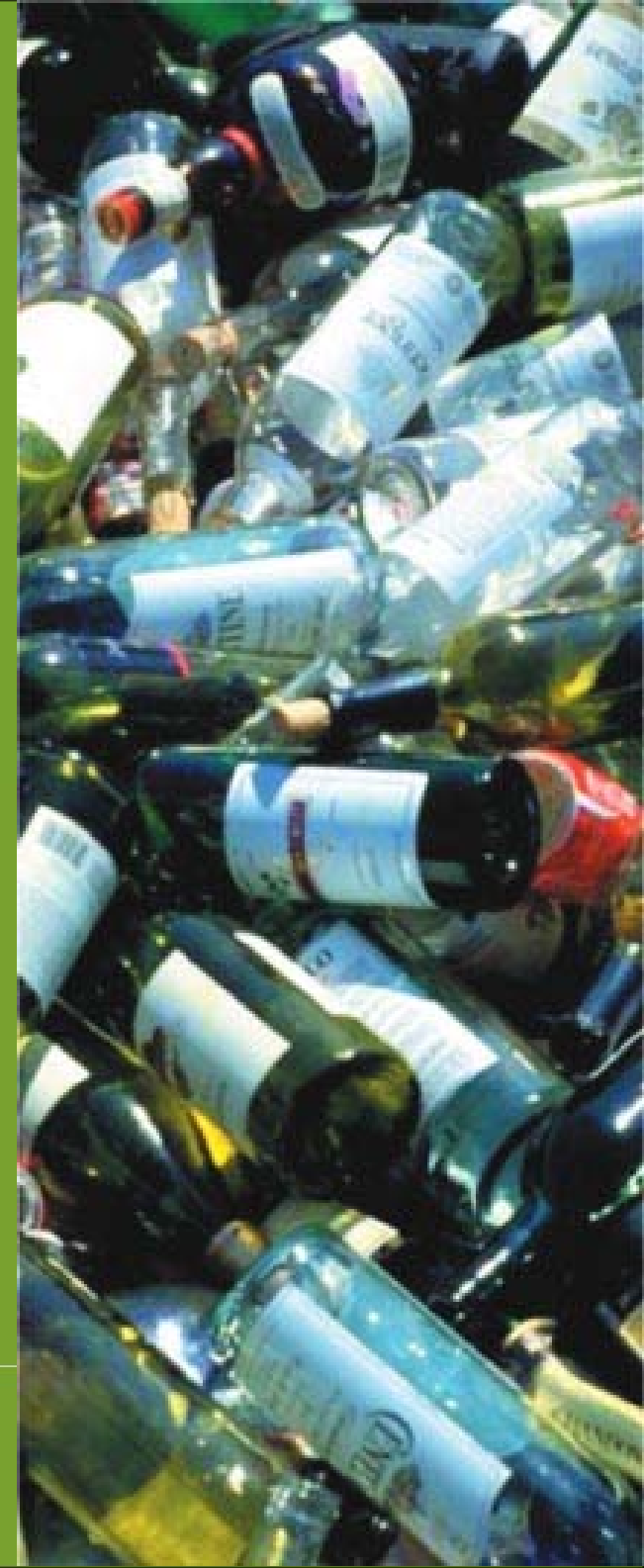


Covering.....

- ➔ Duty of Care/Registration of waste carriers
- ➔ The Landfill Directive
- ➔ Hazardous waste
- ➔ Producer Responsibility: Packaging, WEEE and Batteries
- ➔ The Waste (England and Wales) Regulations 2011

DUTY OF CARE

- ➔ EPA 1990 section 34
- ➔ Duty of care on all companies and individuals who deal with waste in any part of the waste chain leading to disposal
- ➔ The company producing the waste is responsible for that waste after it has been passed to another company
- ➔ i.e. you never lose your legal responsibility for the waste



Duty of Care

- ➔ When you have waste
 - ➔ Make it secure, keep it in a suitable container and cover loose waste
 - ➔ If you give waste to someone else, check they have authority to take it
 - ➔ Describe the waste in writing, fill in and sign a transfer note



Duty of Care

⇒ Filling in the Paperwork

- ⇒ The transfer note must be completed and signed by both persons involved in the transfer
- ⇒ The written description
- ⇒ Keep the records for 2 years



Duty of care: waste transfer note *Keep this page and copy it for future use*

Section A – Description of waste

(Please write as clearly as possible)

A1 Please describe the waste being transferred

List of Waste Regulations code(s)

A2 How is the waste contained?

Loose Sacks Skip Drum

Other

A3 How much waste? For example, number of sacks, weight

Section B – Current holder of the waste – Transferor

B1 Full name

Company name and address

Postcode

B2 Are you:

The producer of the waste? The importer of the waste?

The waste collector on authority? The waste disposal authority (Scotland only)?

The holder of a waste disposal or waste management licence?

Licence number

Issued by

The holder of a pollution prevention and control permit?

Permit number

Issued by

Exempt from requirement to have a waste disposal or waste management licence?

Details, including registration number

A registered waste carrier?

Registration number

Issued by

Exempt from requirement to register? Please give details

B3 Name of your unitary authority or council

Section C – Person collecting the waste – Transferee

C1 Full name

Company name and address

Postcode

C2 Are you:

The waste collector on authority? The waste disposal authority (Scotland only)?

Authorised for transport purposes? Please give details

The holder of a waste disposal or waste management licence?

Licence number

Issued by

The holder of a pollution prevention and control permit?

Permit number

Issued by

Exempt from requirement to have a waste disposal or waste management licence?

Details, including registration number

A registered waste carrier?

Registration number

Issued by

Exempt from requirement to register? Please give details

Section D – The transfer

D1 Address of transfer or collection point

Postcode

Date of transfer

(DD MM YYYY)

Time(s)

D2 Broker who arranged this transfer (if applicable)

Postcode

Transferor's signature

Name

Representing

Transferee's signature

Name

Representing

Registration of Waste Carriers

⇒ Who needs to register?

⇒ Anyone who in the course of their business or in any other way transports controlled waste within Great Britain

⇒ £154 for 3 years/£104 for a renewal

Registration of Waste Carriers

- ⇒ You don't need to be registered as a carrier if you are
 - ⇒ A householder carrying your own waste
 - ⇒ A charity
 - ⇒ A voluntary organisation
 - ⇒ Transporting only waste which you have produced except building and demolition waste

EU Landfill Directive

- ⇒ The Landfill Directive is helping to bring about a change in the way we dispose of waste in this country.
- ⇒ It aims to reduce the pollution potential from landfilled waste that can impact on surface water, groundwater, soil, air, and also contribute to climate change.
- ⇒ In England and Wales the directive is applied under the Landfill (England and Wales) Regulations 2002 and had to be fully implemented by July 2009.
- ⇒ The directive sets demanding targets to reduce the amount of biodegradable municipal landfilled waste.



Who does it affect?

- ➔ Any business that produces or treats waste before it goes to landfill may be affected.
- ➔ Landfills can no longer accept untreated wastes or liquid wastes
- ➔ Bans the landfill of certain types of waste – infectious medical or veterinary waste, whole or shredded used tyres, waste that might cause a problem in the landfill (hot or chemically active waste), any other waste that does not meet the WAC for that type of landfill

Hazardous Waste

- Waste materials that are potentially toxic and dangerous to the human and natural environment
- Hazardous Waste Regulations (England) 2005
- The List of Wastes (England) Regulations 2005
- Came into force on 16th July 2005

Hazardous Waste Regulations

- ⇒ Hazardous waste - harmful to human health or the environment e.g.
 - ⇒ asbestos
 - ⇒ electrical equipment with hazardous components - cathode ray tubes (TVs), fluorescent light tubes
 - ⇒ oils & oily sludge
 - ⇒ solvents
 - ⇒ chemical waste + batteries and pesticides

Hazardous Waste



Hazardous Waste Regulations

- ➔ sites producing hazardous waste must register with Environment Agency
- ➔ exemption for premises producing less than 500kg/yr



Consignment Notes

- ➔ All movements of hazardous waste must be accompanied by a hazardous waste consignment note
- ➔ Details of process giving rise to the waste, where it has arisen, premises code, where it's going to for treatment/disposal, type of waste (EWC code), quantity, carrier and consignee details.

PACKAGING

➔ 10 million tonnes of packaging waste produced in UK each year







Packaging Regulations

- Obligated Packaging

- ➔ 'All products of any material or nature to be used for the containment, protection, handling, delivery and presentation of goods, from raw materials to processed goods'
- ➔ The definition of packaging shall be further based on criteria set out in Packaging Directive 2004/12/EC. Items list in Annexe 1 of the Directive are illustrative examples of the application of these criteria.



Who is affected?

All Companies and Groups need to know,
BUT

Only those that owned and handled over **50 tonnes** of packaging
last calendar year

And

Whose turnover for their last accounting period was at least **£2
million**,

Are **OBLIGATED PRODUCERS** this year.

(Groups must aggregate turnover and packaging)

Obligations

- ⇒ Obligated Producers MUST:
 - ⇒ be Registered by 7th April each year (directly with the Agency or through a compliance scheme)
 - ⇒ obtain evidence to show they have met their own packaging waste recovery and recycling targets.
 - ⇒ furnish a 'Certificate of Compliance' to the Agency by 31st January the following year.

- ⇒ A Company's packaging waste recovery and recycling targets are calculated from the weights of packaging handled, and two percentages: for the packaging activities they perform and the National Recovery/Recycling targets.

Provision of Data

- Whether registering with the Agency or joining a compliance scheme a company must provide the weights of packaging supplied, by:
 - material type;
 - the activities performed on the packaging (raw material manufacturer, converter, pack/filler, seller);
 - imported and exported packaging.
- This information is filled out on a common data form and supplied with registration or membership.

Accreditation of Reprocessors

- ➔ Packaging Waste Reprocessors are:
 - ➔ Companies that take in waste packaging and make new products from them, such as Paper mills recycling old card boxes and glass bottle manufacturers recycling old glass bottles, or
 - ➔ Energy from waste incinerators (Recovery)
- ➔ Packaging Waste Exporters supply foreign recycling companies with packaging waste to be recycled.
- ➔ Accredited companies can issue eP(E)RNs for packaging waste they have recovered and recycled.

Prosecutions

- ➔ A wine importer and wholesaler from Bath, The Great Western Wine Company Ltd was fined £29,700 and ordered to pay compensation of £3,856, and costs of £2,000 to the Environment Agency for not complying from 2005 to 2008 inclusive.
- ➔ The Red Bull Company Limited was fined £261,278 and ordered to pay £3755.00 in costs and compensation of £6854.00 to the Environment Agency for unpaid registration fees for the years 1999 to 2006 inclusive.

Civil sanctions

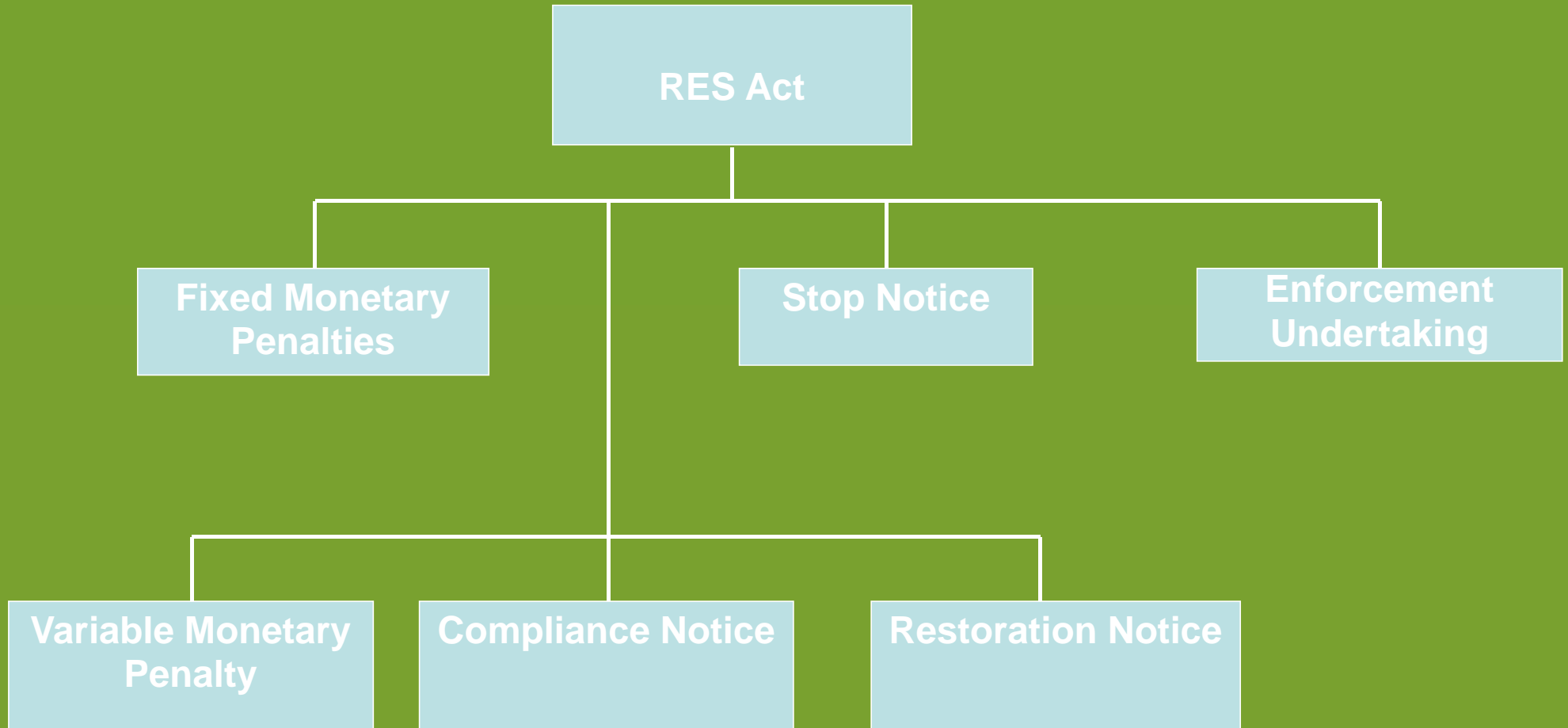
➔ English legislation 6 April 2010

➔ Welsh legislation 15 July 2010

➔ Not for immediate use - from 4 January 2011

➔ EPR offences from October 2011??

RES Act Civil Sanctions



Essential Requirements

- ➔ Enforced by Trading Standards in Local Authorities.
- ➔ Responsible person –Packer/filler, brand owner or importer placing packaging on market.
- ➔ No thresholds for compliance.
- ➔ Limits for Heavy Metals in packaging.
- ➔ Packaged to minimum adequate for safety, hygiene and acceptance for packed product and consumer.
- ➔ Packaging system must allow for reuse or recovery.
- ➔ Minimal noxious and hazardous emissions from resultant recovery (ash/leachate).
- ➔ Technical Documentation made available.



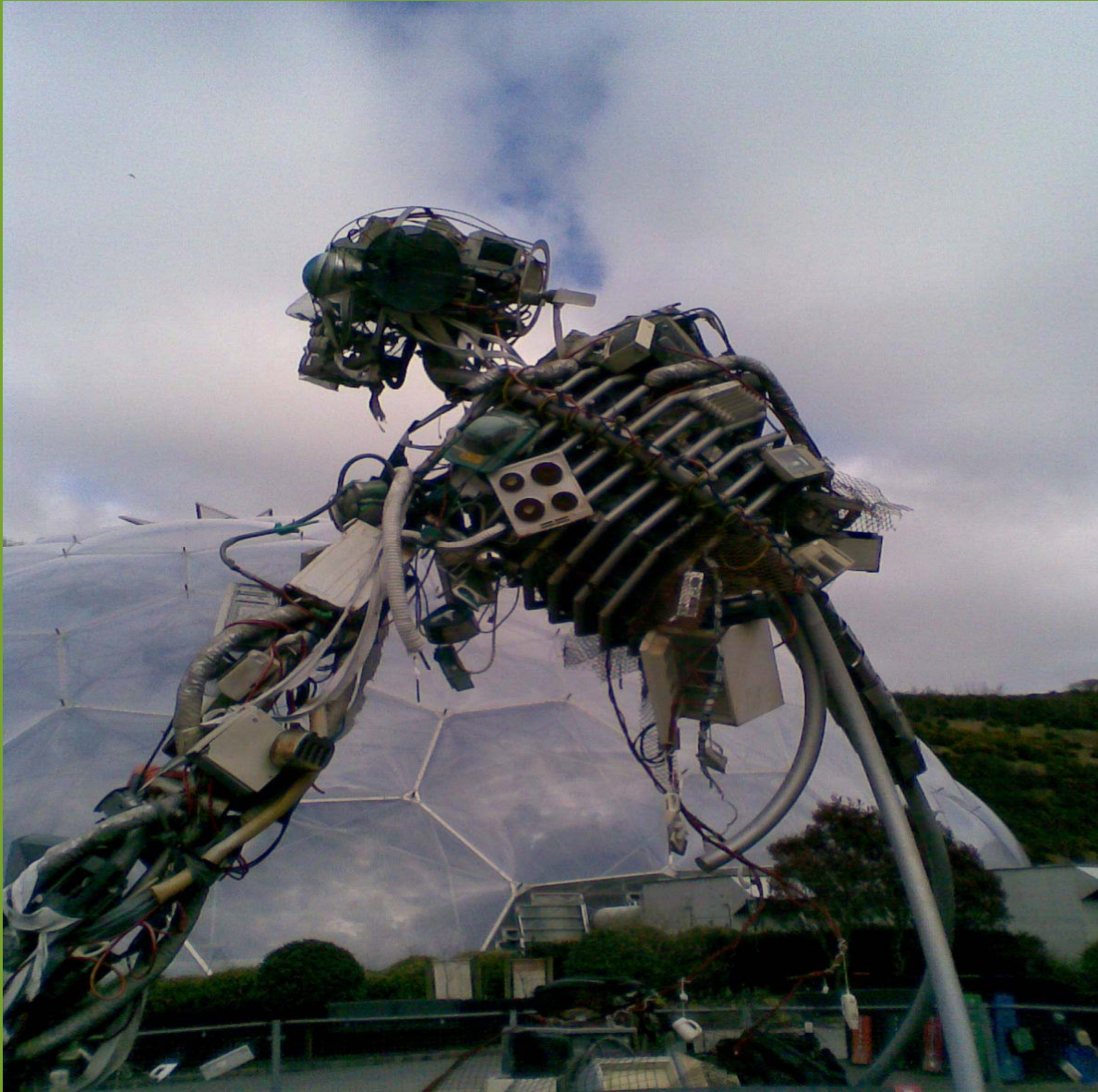


Why a WEEE Directive?

From the Directive:

“The amount of WEEE generated in the Community is growing rapidly. The content of hazardous components in electrical and electronic equipment (EEE) is a major concern during the waste management phase and recycling of WEEE is not undertaken to a sufficient extent.”





WEEE Regulations

- ➔ Aim to reduce the amount of untreated WEEE going to landfill, ensure that hazardous items are removed for specialist treatment and increase the amount of WEEE that's recycled.
- ➔ WEEE is a rapidly growing waste stream and many products contain hazardous substances such as CFCs, nickel-cadmium batteries or lead solder
- ➔ With the exception of metal rich large 'white goods' like dishwashers, fridges and washing machines, recycling rates for most types of WEEE are very low

What is a producer?

⇒ producers are people who:

⇒ import electrical and electronic equipment (EEE) on a professional basis

⇒ manufacture and sell EEE under their own brand (e.g Sony, Panasonic, Dyson etc.)

⇒ resell under their own brand EEE produced by other suppliers.

What Producers need to do?

- ➔ Join an approved Producer Compliance Scheme (PCS) by 15th November each year.
- ➔ The PCS will manage and monitor the producers market share of WEEE on their behalf.
- ➔ cost of registration set by the compliance scheme
- ➔ the regulations set the charges that the EA can charge the schemes for each producer. These range from £30 - £445 depending on company turnover.

What else will Producers need to do?

- ⇒ supply data on the types and quantity of EEE placed on the market
- ⇒ provide information on the dismantling and recycling of new products
- ⇒ mark all new EEE with a crossed-out 'wheelie bin' symbol and with a producer identification mark
- ⇒ Obligations to finance the collection, treatment and recycling of WEEE



10 CATEGORIES

- ➔ Large Household Appliances
- ➔ Small Household Appliances
- ➔ IT and telecommunications equipment
- ➔ Consumer equipment
- ➔ Lighting equipment
- ➔ Electrical and electronic tools
- ➔ Toys, leisure and sports equipment
- ➔ Medical devices
- ➔ Monitoring and control instruments
- ➔ Automatic dispensers

DEFINITION OF WEEE

➔ 'electrical and electronic equipment means equipment which is dependant on electric currents or electromagnetic fields in order to work properly and equipment for the generation, transfer and measurement of such currents and fields falling under the categories set out in Schedule 1 to these Regulations and designed for use with a voltage rating not exceeding 1,000 volts AC and 1,500 volts DC'



Who's responsible for non-household WEEE?

Equipment purchased before 13 August 2005

- ⇒ The end-user is responsible for treatment and recycling, unless they are buying replacement products. If so, the producer supplying the new equipment will have these responsibilities.

Equipment put on the market after 13 August 2005

- ⇒ The producer supplying that equipment will have to take responsibility unless both parties negotiate alternative arrangements

Environmental goals

The WEEE Directive is about:

- ➔ more sustainable use of resources
- ➔ higher treatment standards
- ➔ diverting more waste from landfill
- ➔ more recovery and recycling

Our collective challenge is to deliver these benefits through regulations that are clear, proportionate and efficient.



BATTERIES: EU Directive

- ⇒ Applies to all types of batteries irrespective of their shape, weight, composition or use, except those used in certain military or space applications
- ⇒ Seeks to improve the environmental performance of batteries and the activities of all those involved in the battery life cycle
- ⇒ Came into force in September 2006
- ⇒ The Batteries and Accumulators (Placing on the Market) Regulations 2008 – came into force on 26th September 2008. Partially implement the Directive. (Limit the amount of mercury and cadmium in batteries placed on the market). Regulated by National Measurement Office

The Waste Batteries and Accumulators Regulations 2009

- Implement the waste provisions of the Directive and establish the scope of producer responsibility for batteries in the UK
- Require persons placing batteries on the market to register as a producer of batteries and report on waste batteries collected and sent for recycling
- The Regulations aim to move the UK from its 2007 recycling rate of 3% of portable batteries to 25% (approx. 7,500 tonnes) by 2012, raising to at least 45% in 2016



Who do the regulations affect?

- ⇒ Anyone who puts portable batteries/accumulators – or products containing portable batteries/accumulators – onto the UK market for the first time.
- ⇒ Anyone who puts industrial and/or automotive batteries – or products containing industrial and/or automotive batteries – onto the UK market for the first time.
- ⇒ Anyone who sells portable batteries/accumulators (distributors)
- ⇒ Anyone who treats, recycles or exports waste batteries

Definitions

- ➔ **Automotive Battery:** used for the starting or ignition of the engine of a vehicle or for providing power for any lighting used by such a vehicle
- ➔ **Portable Battery:** sealed, can be hand-carried without difficulty and is neither an automotive or industrial battery
- ➔ **Industrial Battery:** designed exclusively for industrial or professional uses, used as a source of power for propulsion of an electric vehicle, unsealed but is not an automotive battery or sealed but is not defined as a portable battery

Producers of Portable Batteries

- ⇒ 2 types: large (> 1 tonne) and small (< 1 tonne)
- ⇒ Large: Join a Battery Compliance Scheme (BCS) by 15th October in the year before they intend to place batteries on the market.
- ⇒ If they do not know by 15th October they have 28 days from the date on which they first placed batteries on the market to join a scheme
- ⇒ Must remain a member of that scheme for the rest of the compliance period
- ⇒ Pay for the collection, treatment and recycling of waste batteries in proportion to market share. Record data on the weight of batteries placed on the market and report this to their scheme every quarter.
- ⇒ Report data as 3 separate groups – nickel cadmium, lead acid and ‘other’



Producers of Portable Batteries

- ⇒ Small: register with the EA within 28 days of the first date on or after 15 October each year on which you placed any batteries on the UK market.
- ⇒ Record data on the weight of batteries placed on the market each year and provide to the EA by 31 January the following year
- ⇒ Report data as 3 separate groups – nickel cadmium, lead acid and ‘other’
- ⇒ Annual registration charge of £30



Producers of Industrial and/or automotive batteries

- ⇒ Register with the Department for Business, Innovation and Skills (BIS), through NPWD, within 4 weeks of the first date on which they placed batteries on the UK market.
- ⇒ No fee
- ⇒ Record the amount of batteries you put on the market



Recycling Requirements

- ⇒ Minimum recycling efficiencies have been set for recycling processes:
- ⇒ 65% by average weight of lead-acid batteries
- ⇒ 75% by average weight of nickel-cadmium batteries
- ⇒ 50% by average weight of other waste batteries



Treatment Facilities

- ➔ Applications for approval by the EA must be submitted by persons if they are the first to treat and recycle UK waste industrial/automotive batteries or export UK waste industrial/automotive batteries for treatment and recycling overseas
- ➔ Treatment includes the sorting of waste batteries into different types or different chemistries as well as including preparation for recycling and recovery



The Waste (England and Wales) Regulations 2011

- ➔ Came into force on 29th March 2011
- ➔ Update some aspects of waste controls
- ➔ Regulations implement the revised waste Framework Directive



Waste Regulations 2011

- Require businesses to confirm they have applied the waste management hierarchy when transferring waste and include a declaration on the transfer note/consignment note
- New waste hierarchy permit condition
- Introduce a 2 tier system for waste carrier and broker registration which includes those who carry their own waste (lower tier registration from December 2013)
- Amendments to hazardous waste controls and definition
- Exclude some categories of waste from waste controls



Thank You

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