

Legislation

THIS IS the first of two Fact Files covering the legislation elements of the current generic part of the continuing competence syllabus. This month we look at the Duty of Care; hazardous/special waste transfer documents; the European Waste Catalogue (List of Wastes); and Quality Protocols. Whilst this is not a detailed explanation of waste law, it may be a useful reference for anyone working in these areas. The Fact Files will point you in the direction of further guidance where appropriate. Even if you don't need to demonstrate continuing competence you may find it useful to refresh your knowledge and understanding.



Duty of Care

THE DUTY of Care applies to anyone who produces or imports, keeps or stores, transports, treats or disposes of waste. It also applies if you act as a broker and arrange these things.

When transferring waste to someone else you must:

- make the waste secure
- make sure the person to whom you give your waste has the correct permit, licence or exemption
- fill in and sign a transfer note for it.

WHO IS allowed to deal with your waste? You must ensure that anyone who handles your waste has the correct permit, licence or exemption. People who collect your waste include waste contractors, scrap metal merchants, recycling businesses, your local council and skip hire businesses.

<http://www.netregs.gov.uk/cy/netregs/63207.aspx>

ANYONE WHO collects and transports your waste must be a registered carrier of controlled waste or be exempt from registration as a carrier. This includes your local council's waste collection services.

IF YOU transport your own waste you can pass it to waste transfer stations and waste treatment and disposal sites.

IF YOU are a waste carrier you must:

- register with your environmental regulator
- comply with your duty of care
- use waste transfer notes.

www.netregs.gov.uk/netregs/111442.aspx

IF YOU receive waste from someone else you must:

- make sure the law allows you to take it
- make sure the person giving you the waste completes a Waste Transfer Note (WTN)

A WASTE Transfer Note:

- describes the waste so that carriers and site operators can manage it safely and legally
- ensures there is a clear audit trail from when the waste is produced until it is disposed of.

You must keep copies of WTNs for at least two years and be able to produce them on demand to the environmental regulator or local council. Failure to do so could result in a fine. You should also check that anyone you pass your waste to holds the relevant registration, licence or exemption for the type of waste you pass to them. The information on the WTN must include:

- a description of the waste
- how the waste is contained or packaged
- the quantity of the waste
- the place, date and time of transfer
- the name and address of both parties
- details of the permit, licence or exemption of the person receiving the waste
- the appropriate European Waste Catalogue (EWC) code for your waste.

If you don't give enough information and your waste is mismanaged as a result, you could be prosecuted.

<http://www.defra.gov.uk/environment/waste/controls/documents/waste-man-duty-code.pdf>

European Waste Catalogue (List of Wastes)

THE EUROPEAN Waste Catalogue (EWC) classifies waste materials and categorises them according to what they are and how they were produced. The List of Waste Regulations 2005 bring the European Waste Catalogue into law in England and Wales.

- Hazardous waste is identified by a * next to the entry in the catalogue and "A" at the end of the line. Waste that may be hazardous, depending on the content, is identified by a * next to the entry and an "M" at the end of the line

- The six-digit code is entered on the transfer note
- If no code can be identified, the code "99" is used.

www.environment-agency.gov.uk/business/topics/waste/31873.aspx

Environment Agency: Consolidated version of the European Waste Catalogue, Environment Agency: European Waste Catalogue

For guidance on coding waste go to:
http://www.environment-agency.gov.uk/static/documents/Business/low_guide_v1.2_1397222.pdf

Hazardous/Special Waste Transfer Documents

IF YOUR waste has hazardous properties, you must treat it as hazardous waste. This is called special waste in Scotland. The transfer document for hazardous/special waste is called a consignment note. You will need to complete a consignment note to comply with your duty of care.

The consignment note must contain similar information to a WTN. You do not need to produce a separate WTN for hazardous/special waste. The consignment note must include the correct code from the European Waste Catalogue for the

type or types of material that you are disposing of.

You can only send hazardous/special waste to waste treatment facilities that are authorised to take it. You must ensure that waste that you produce irregularly (for example redundant materials, waste from cleaning up spills) is declared on waste transfer notes. Some of this may have to be handled as hazardous/special waste.

For further details see Hazardous Waste: Interpretation of the Definition and Classification of Hazardous Waste (WM2)

Quality Protocols

UNCERTAINTY OVER the point at which "waste" is fully recovered and ceases to be waste has meant that some materials have continued to be controlled under the EU Waste Framework Directive and, in some cases, disposed of to landfill. The Waste Protocols Project was set up to provide more clarity on end of waste regulations, stop materials being landfilled unnecessarily and to increase the use of waste as a resource.

A Quality Protocol gives guidance on how to recover waste, remove it from the regulatory regime and unnecessary regulations. The Quality Protocols are currently only applicable in England and Wales.

Quality Protocols currently in place are for:

- the production and use of quality compost from source-segregated biodegradable waste
- the production of aggregates from inert waste
- the production of processed cullet from waste flat glass
- the manufacture of secondary raw materials from waste non-packaging plastics
- biodiesel derived from waste cooking oil
- anaerobic digestate
- tyre-derived rubber materials
- gypsum from waste plasterboard.

Other materials under consultation include pulverised fuel ash and compressed tyre bales.

