

**A brief guide to the rules and regulations on waste,
more information may be found at
www.businesslink.gov.uk/ or www.netregs.gov.uk**

Your Duty Of Care

Waste is generally defined as something that is discarded by its last user although there have been many court cases arguing the precise definition. This is extremely important as something classed as waste comes under extensive controls that can add huge cost to its movement.

For instance, a waste fridge from a commercial premises must be collected as Hazardous Waste by a registered Waste Carrier with a consignment note whereas a second hand fridge can just be collected in the back of a car.

Controlled wastes are **commercial and industrial waste (including construction and demolition waste) and household waste**. Agricultural and mining wastes are now classified respectively as commercial and industrial waste and are therefore controlled. **Controlled waste is all subject to the Environmental Protection Act 1990 regardless of its end use eg recycling.**

Netregs provides a list of all relevant waste Regulations split out between [England, Wales, Scotland](#) and [Northern Ireland](#). www.netregs.gov.uk

The Environment Agency regularly publishes new [Regulatory Position Statements](#) giving their view on a particular topic that may not be clear in Regulation.

1. If your premises produces waste, you have a legal responsibility to ensure the waste is:

- [Stored safely](#) on site
- Collected by a [registered waste carrier](#)
- Disposed of at a [licensed facility](#)
- Satisfies [Duty of Care](#) and is covered by a valid Waste Transfer Note
- Correctly [described](#) on the Waste Transfer Note
- Satisfies the [Pre-treatment](#) requirements by either separating some waste for recycling at your site or ensuring your collector takes it to a sorting facility (MRF)

2. If the waste includes hazardous items such as fluorescent tubes, NiCd batteries, oily rags and fridges or any item designated hazardous in the European Waste Catalogue, you must ensure its collection and disposal under the [Hazardous Waste Regulations](#)

- Your site is registered as a [hazardous waste producer](#) in England and Wales
- The waste is correctly contained
- The waste is collected using [registered waste carriers](#)
- Is collected using the correct [consignment notes](#) and in Scotland and NI, under pre-notification
- Is disposed of at a [licensed facility](#)

3. In addition, if your waste is classed as Dangerous such as waste that is toxic, Asbestos, Clinical waste, Flammable liquids, Acids, Lead acid or NiCd batteries, the waste must be transported under the Carriage of **Dangerous Goods Regulations**.

4. If you are a

- Shop disposing of raw or lightly cooked meat waste and raw eggs
- Food manufacturer – including sandwich making premises – with raw or cooked meat waste

you must do so under the requirements of the **Animal By-products Regulations** ie collected separately for incineration, composting or rendering.

Restaurants and canteens can dispose of raw and cooked meats with general waste that goes to landfill.

5. If you are responsible for a building contract worth more than £300k plus vat, you must produce and maintain a **Site Waste Management** plan.

6. If you wish to carry out any type of waste treatment at your premises it must have an **Environmental Permit** although some low risk operations – such as composting – and storage can be carried out under Exemptions which must be registered.

7. If your waste collection is arranged by someone else other than the person collecting or disposing of it, that person or organisation must be a **registered Broker**.

Waste Carriers

If you are having waste collected, it is a requirement of the Duty of Care that you ensure the person collecting the waste is a registered **waste carrier**. Any business that carries waste on a professional basis is considered to be a waste carrier and must register. However, there are now two tiers. Any business that carries waste professionally is considered an Upper tier businesses and must register every three years at a cost specified below.

This means that it is not just waste management companies that must register, but also those that carry someone else's waste in the course of their business activities. This can include:

- Building/Construction / Electrician/Plumber/ Glazier
- Roofing Contractor/Carpenter/Joiner
- Waste Paper Recycling/Metal Recycling/Glass Recycling/Vehicle Dismantler/Plastics
- Bulk Transporter/Haulier/Tanker Transport
- Gardener/Landscaper/Demolition Contractor
- Waste Management Contractor/Skip Hire

However, until the end of 2013, they do not need to register if they only carry waste they have generated through their own activity. Therefore a plumber who carries waste pipe from a job would not need to be registered just for that. But if they also carry old scrap radiators that they have been asked to remove by a customer, then they must be registered.

How do I register?

You may register on line or by post with the Environment Agency and by post only with SEPA and the NIEA. Cost can be obtained from their web site.

Pre-treatment Legislation

The Landfill Regulations transpose a European Requirement for all waste to be pre-treated prior to landfill. Any business that produces waste is required to ensure that their waste is pre-treated prior to disposal at landfill.

What is required?

'Pre-treatment' means that the waste must undergo a weight reduction or a change in its nature. In England, Wales and Northern Ireland, this generally means removal of a proportion of the waste for recycling that would have gone to landfill.

The requirement came into force in October 2007 and is policed by Environment Agency officers visiting landfill sites and conduction of audits on waste arriving at sites for disposal.

From a waste producer's point of view, you are generally offered two choices by your waste contractor. Either you **segregate** some of your waste on site for separate collection and recycling or your waste contractor collects it all mixed and has to take it to a **sorting facility** where some is removed prior to onward transport to a landfill site. A third compliant route is that the waste is taken directly to an incinerator or Energy from waste facility.

A waste contractor is required to make a declaration on arriving at a landfill site that the load has been pre-treated. If they are collecting on a compaction vehicle from a large number of premises eg trade waste from shops and pubs etc and taking the waste direct to landfill, then every one of the sites they collect from must be pre-treating on site ie segregating some waste for separate recycling collection. The business is required to declare on the waste transfer note if the waste is being taken

directly to landfill that it has been pre-treated. A waste contractor should only be collecting waste from sites that have confirmed they are pre-treating if they are taking the waste direct to landfill and it is the waste producers responsibility to make sure that their waste is being correctly dealt with.

Waste Transfer Notes

Any controlled waste that is collected in the UK must, under Duty of Care, be covered by a Waste Transfer Note or – for Hazardous/Special Waste – a Hazardous Waste Consignment Note.

One of the requirements of these documents is to describe the waste. This will require some written description that will vary according to the waste carrier, but it will always require reference to an EWC code. This is a list of wastes that has been produced by the EU to standardise the description of waste across Europe and to enable waste to be recorded, monitored and controlled more effectively.

European waste Codes (EWC Code)

The Environment Agency has produced a guide which has general guidance, a section that alphabetically lists hundreds of different waste types with the codes next to them and then has a list of all the codes with sample waste types. The EWC codes are made up of approximately 650 different codes divided into 20 chapters each of which contain a number of sub-categories. Wastes that are considered to be hazardous are denoted by an asterisk in the list. Each code is six digits and many codes are double entries where there will be a code for the non hazardous version of the waste and another – with asterisk – for the hazardous version. There are also codes that end in 99 which are used for ‘waste not otherwise specified’ Generally, the Agency does not like these to be used as a waste description on Transfer Notes and Consignment Notes.

When choosing a code, you should use the following steps:

Step 1. Try to identify where in chapters 01 to 12 or 17 to 20 the waste is produced (i.e. the industry or process from which the waste arose, including household or similar waste). Using the information outlined in the bullet points above, identify the appropriate six-digit code for the waste, excluding codes ending with 99.

Step 2. If an appropriate waste code cannot be found in chapters 01 to 12 or 17 to 20, then the next step is to examine chapters 13, 14 and 15.

Step 3. If none of these waste codes properly describes the waste, try to identify whether the waste is described in chapter 16.

Step 4. If a suitable code still cannot be found, choose a 99 code from the appropriate chapter in Step 1.

Most mixed waste from commercial premises tends to be categorised under one number – 200301. However, this code is only supposed to be used where it is genuinely a complete mix of wastes. Where there are more than one waste types mixed together eg cardboard, office paper and plastic bottles, separate codes should be shown for each although generally, the Agency preference is to use a single code with an appropriate written description.

Some of the most common codes are shown below which also illustrates the double entries.

General waste

20 03 01 general mixed waste including commercial waste and municipal waste
20 01 01 paper and cardboard
20 01 02 glass
20 01 08 biodegradable kitchen and canteen waste

Construction waste

17 01 01 concrete
17 01 02 bricks
17 01 03 tiles and ceramics
17 01 06* mixtures of, or separate fractions of concrete, bricks, tiles and ceramics containing dangerous substances
17 01 07 mixtures of concrete, bricks, tiles and ceramics other than those mentioned in 17 01 06
17 02 01 wood
17 02 02 glass
17 02 03 plastic
17 02 04* glass, plastic and wood containing or contaminated with dangerous substances

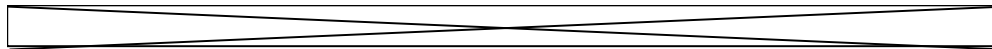
Packaging waste

- 15 01 01 paper and cardboard packaging
- 15 01 02 plastic packaging
- 15 01 03 wooden packaging
- 15 01 04 metallic packaging
- 15 01 05 composite packaging
- 15 01 06 mixed packaging
- 15 01 07 glass packaging

Electrical equipment waste

- 16 02 09* transformers and capacitors containing PCBs
- 16 02 10* discarded equipment containing or contaminated by PCBs other than those mentioned in 16 02 09
- 16 02 11* discarded equipment containing chlorofluorocarbons, HCFC, HFC
- 16 02 12* discarded equipment containing free asbestos
- 16 02 13* discarded equipment containing hazardous components(2) other than those mentioned in 16 02 09 to 16 02 12
- 16 02 14 discarded equipment other than those mentioned in 16 02 09 to 16 02 13 (most common code for WEEE)**
- 16 02 15* hazardous components removed from discarded equipment
- 16 02 16 components removed from discarded equipment other than those mentioned in 16 02 15

How can I check if the company I pass my waste onto is registered?



The Environment Agency operates an On-line [Public Register](#) where you can check to find a registered waste carrier or site license details. The search is available to view at

www2.environment-agency.gov.uk/epr/search.asp

Hazardous Waste

Hazardous waste is defined by the [List of Wastes/European Waste Catalogue](#) where wastes considered to be hazardous are marked with an asterisk next to their European waste Code. It includes things that you would naturally expect to be hazardous – such a certain sludges or chemical waste from refining processes, but it also includes waste that arises in every day business activity. These include

- Fluorescent tubes
- Cathode ray tube televisions and monitors
- LCD screens and laptops (see [EA Guidance Note](#))
- CFC containing fridges and freezers
- Certain types of batteries
- Mineral oil or oil soaked rags and cleaners

If your business premises produces this type of waste, you CANNOT put it in the general waste bin and must have it separately collected.

The document that defines more complex Hazardous Wastes is [WM2](#).

An EA have produced a list of Guides for Hazardous Waste Management available to view at www.environment-agency.gov.uk/business/topics/waste

For England and Wales, hazardous waste is dealt with under the [Hazardous Waste Regulations](#) (amended under the [Amendment Regulations 2009](#) which imposes the 500kg exemption threshold and more recently by the [Waste \(England and Wales\) Regulations 2011](#)). Any business that generates waste classed as 'Hazardous' under the European Waste Catalogue (EWC) must [register](#) as a hazardous waste producer with the Environment Agency before they can have hazardous waste collected from their site.

There are exemptions. Where a site produces less than 500kgs per year, it does not need to register and can have its hazardous waste collected without a registration number.

Although there are many rules and regulations regarding waste, we are happy to discuss individual company requirements in order we may offer advice and support to our customers.

