

# Hazardous Waste (England and Wales) Regulations 2005



## A Brief Guide

The key requirements are as follows:

- **The list of Hazardous Wastes will be defined by the European Waste Catalogue under the List of Wastes Regulations 2005**
- **Each hazardous waste producing site – unless exempt – must be required to be pre-registered with the Environment Agency before waste can be collected**
- **Consignees (hazardous waste receivers) must keep records of all consignments received and submit quarterly returns to the EA together with a fee per consignment.**
- **Sites that are registered will be subject to EA inspection and monitoring.**
- **The mixing of hazardous waste with other hazardous waste types and non hazardous waste is prohibited.**
- **All hazardous waste entering hazardous waste landfill sites and cells must also comply with the Waste Acceptance Criteria.**
- **Hazardous wastes will need to be sampled and tested in order to produce analysis results that can be used to determine whether a waste complies with WAC and can therefore continue to be landfilled.**

## Waste Types

The Regulations replaced the Special Waste Regulations and cover all wastes previous classed as 'Special'. The full list is now defined by those wastes marked with an asterisk in the European Waste Catalogue (EWC) which adds in over 200 different waste types. Among these are:

- NiCad (rechargeable) batteries or items containing such batteries including computers, power tools, single use cameras with a flash
- Cathode Ray Tube televisions and computer monitors
- Fridges and freezers containing CFCs or HCFCs
- Waste fuels and oils – eg oily rags
- Separately collected fluorescent tubes (see below)

They do not generally include:

- Clinical, veterinary or kennel waste unless it is specifically identified as needing special disposal because of the risk of infection
- Household hazardous waste unless it has been separately collected

## Registration

The Regulations require that all hazardous waste producers are registered prior to any collections and it will be an offence for hazardous waste to be collected from a site that is not registered or exempt. The EA is encouraging registration through the internet by applying higher charges for paper based or telephoned registration and have developed a national database system that will provide a unique number for each site on registration. This number – along with a specific consignment identification – must be on every consignment sent out from that site.

The details that are required for registration are as follows:

- Applicant company and contact details with a valid SIC code
- Details of site to be registered with a specific named contact
- Number of employees on the site (banded)
- Proposed start date for registration

The registration commencement date can be specified by the applicant and lasts for one year at the end of which the site must be re-registered. It is proposed that the site will be able to retain its existing registration number in subsequent years.

Where a contractor takes ownership of waste on site – such as builders carrying out maintenance work – the contractor must register that site to allow hazardous waste to be removed.

Block registrations can be submitted although the same registration fee will apply for each site on a block registration.

The costs for registering (per site) with the Environment Agency are:

- £18 on-line ([www.environment-agency.gov.uk](http://www.environment-agency.gov.uk))
- £23 by telephone
- £28 by post

The Regulations place a duty on the Environment Agency to visit all registered sites

## Exemptions

The Regulations allow a number of sites to be exempt from the need to register although all other requirements of the Regulations still apply. In these cases, collections can be made by a registered Waste Carrier using a specific exemption code on the consignment note.

To be exempt, premises must produce less than 200kgs of hazardous waste per year and fall into one of the following categories:

- Offices and shops except where they are part of a non-exempt site
- Premises where WEEE is collected where the premises are used for that purpose
- Schools, prisons, charities
- Premises used by a dental, veterinary or medical practice
- Any ship
- Certain agricultural premises

The Environment Agency have suggested the following estimate as to what constitutes 200kgs:

- 10 small TVs
- 14 lead acid batteries
- 500 fluorescent tubes
- 5 small domestic fridges

When hazardous waste is collected from exempt premises, the collection carrier will apply a specific exemption code to the consignment note.

### **Multiple collection rounds**

The new Regulations allow for the collection of multiple consignments on a round. Although the Regulations prohibit the mixing of hazardous wastes, where there is no risk of cross contamination – eg fridges, computers and fluorescent tubes – or they are separately contained, then mixed waste types can be collected on the same vehicle.

### **Consignment Notes**

Consignment notes must be completed either by the producer or the carrier and will require a valid site registration or exemption number to be inserted. Every consignment will need to be separately identifiable and will therefore also be required to have a 5 digit code applied with the site registration number. Detailed information relating to each EWC code listed will be required including:

1. Quantity in kg
2. The chemical / biological components of the waste with their concentrations
3. Physical form
4. Hazard code(s)
5. Container type, number and size
6. Packing Group
7. UN Identification Number
8. Proper Shipping Name
9. UN Class(es)
10. Any special handling requirements

Every consignment will attract a fee that must be paid by the consignee to the Environment Agency with their quarterly returns. These are as follows:

For multiple collection round consignments	-	£5 for electronic returns
	-	£10 for postal returns
For single consignments	-	£10 for electronic returns
	-	£19 for postal returns

If a consignment has to go through a number of consignees (eg transfer stations) before reaching its final disposal point, a consignment fee will have to be paid by each consignee necessitating apportionment back up the chain.

Consignees are required to make quarterly returns to both the Environment Agency and consignor and it is therefore likely that consignees will apply an administrative levy to each consignment fee.

### **Mixing of hazardous waste**

The mixing of different types of hazardous waste or hazardous waste with non hazardous waste is prohibited except under license. However, if multiple waste types are deposited in a single container, the producer must specify the different EWC codes on the consignment note. This ban extends to the Producer of the waste.

## **Treatment**

Under the Landfill Regulations, there is now a requirement to pre-treat all hazardous wastes prior to landfill. Although 'pre-treatment' is not clearly defined, its key criteria is a reduction in the hazardous nature or weight of the waste prior to disposal at landfill where feasible. This could therefore lead to some hazardous wastes not being accepted by landfill sites without evidence that this has taken place.