

Waste (England and Wales) Regulations 2011

April 2011

Quick guide for waste producers and businesses

What are they about?

The new Waste (England and Wales) Regulations 2011 came into force on 29 March 2011. They update some aspects of waste controls. The need for waste permits and authorisations for certain activities therefore does not change.

In summary, the regulations implement the revised Waste Framework Directive and;

- require businesses to confirm that they have applied the waste management hierarchy when transferring waste and to include a declaration on their waste transfer note or consignment note;
- require a new permit waste hierarchy permit condition and where appropriate a condition relating to mixing of hazardous waste
- introduce a two-tier system for waste carrier and broker registration, which includes those who carry their own waste, and introduces a new concept of a waste dealer;
- make amendments to hazardous waste controls and definition;
- exclude some categories of waste from waste controls, notably animal by-products whilst include a small number of radioactive waste materials.

Who do the Waste (England and Wales) Regulations 2011 affect?

Many businesses will be affected in some way. The regulations implement the aims of the Directive by getting business to think differently about whether waste needs to be produced in the first place and which are the best ways of managing it. The regulations affect businesses that:

- produce waste, import or export waste, carry or transport waste, keep or store waste, treat or dispose of waste or who operate as waste brokers or dealers.

What must I do differently?

You should consider what wastes you produce and how they are managed. The steps you will need to consider are;

1. Using the waste management hierarchy

You need to consider the hierarchy of waste management options. The hierarchy sets out, in order of priority, the waste management options you should consider. It places more emphasis on waste

prevention, and then requires you to consider preparing waste for reuse, then opportunities for recycling, before options for recovery such as energy recovery and once all these other options have been explored, disposal.

From 28 September 2011, whenever you pass waste on to someone else, you will have to declare on the waste transfer note, or consignment note for hazardous waste, that you have applied the waste management hierarchy. Your waste contractor should be able to give you more advice.

Government has produced short guidance on the waste hierarchy aimed at waste producers and small business and this can be found at <http://wrapwht.aeastaging.co.uk>.

2. Carrying waste

If you carry waste for someone else then you need to be registered as a waste carrier with the Environment Agency. If someone comes and collects your waste then you need to check that they are registered. These were previous requirements and have not changed.

However, from the end of December 2013 you will need to register as a lower tier carrier if you normally and regularly carry controlled waste produced by your own business, which is a new requirement.

Registration as a lower tier carrier, broker or dealer is currently free and lasts indefinitely, unless your registration is revoked or withdrawn. For more information see: <http://www.environment-agency.gov.uk/business/sectors/wastecarriers.aspx>.

3. Be aware of changing Environmental Permit conditions

If you currently have a permit, then a new permit condition will be applied in due course to implement the waste hierarchy and, if you manage hazardous wastes, a permit condition to prohibit mixing such wastes except in accordance with Best Available Technique (BAT) will be added.

New permits will have these new conditions applied.

4. Check whether your waste is now excluded from waste controls.

For example, you no longer need an environmental permit or exemption from the Environment Agency for wastes covered by the Animal By-Product Regulation. Such wastes destined for incineration or landfill are still controlled. For more information see http://www.environment-agency.gov.uk/static/documents/Business/MWRP_RPS_082_Revised_WFD_Final_10-12-10.pdf.

5. If you deal with radioactive wastes, check to see if waste controls now apply

Most radioactive waste is controlled by radioactive substances regulation and does not require waste control. However, activities involving wastes covered by three radioactive substances exemption orders now require an environmental permit. For more information on these see our Frequently Asked Questions and Answers at: <http://www.environment-agency.gov.uk/business/regulation/128153.aspx>

6. Check your hazardous waste procedures

The regulations introduce a new property, H13 Sensitizing, to the list of properties defining waste as hazardous, whilst the previous H13 property is now H15. Such changes mean that some non-hazardous wastes may be reclassified as hazardous wastes.

customer service line
08708 506 506

incident hotline
0800 80 70 60

floodline
0845 988 1188

www.environment-agency.gov.uk

For more details see [http://www.environment-agency.gov.uk/static/documents/Business/Hazardous waste and the Waste Framework Directive.pdf](http://www.environment-agency.gov.uk/static/documents/Business/Hazardous_waste_and_the_Waste_Framework_Directive.pdf) .

There has been some simplification of procedures for collecting small quantities of hazardous waste within 'collection rounds'. Your contractor will be able to advise you of any changes.

7. End of Waste

Look out later this year for an EC Regulation on End of Waste which will define the point at which ferrous and aluminium scrap metals may cease to be waste. There will be some impact on;

- accreditation for recycling these metals under the packaging waste regulations and
- some permits may no longer be required,

so please be aware of such implications and that we shall be amending our guidance later this year.

Further EC End of Waste regulations covering other materials are expected during the next couple of years, so look out for these.

8. Separate waste collections

The regulations also require the separate collection of waste paper, metal, plastic and glass from 1 January 2015 so you may wish to consider any changes to your procedures and take advantage of these future changes in good time.

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