

A brief guide to the rules and regulations on waste.

This is not a comprehensive list therefore more regional information may be found at:

England	www.businesslink.gov.uk
Wales	www.naturalresources.wales
Scotland	www.sepa.org.uk/regulations/waste
Northern Ireland	www.daera-ni.gov.uk/topics/waste

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 where as 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.

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 onsite](#)
- 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 Light tubes, Sodium Lamps, Discharged Portable Batteries such as NiCad, LiIon Batteries, Oil / Solvent contaminated rags and Ozone Depleting Substances such as fridges, freezers or any item designated as 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](#) (applies to Wales Only)
- 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, Lithium Iron, or Ni Cd 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.

5. 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.

6. 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 “Upper” and “Lower” Tier. Any business that carries waste professionally or construction waste is considered an Upper tier business and must register and renew their licence every three years at the current cost as specified, more information can be found at www.gov.uk/waste-carrier-or-broker-registration.

Examples of Upper Tier registrations might be:

Building/Construction/Electrician/Plumber/Glazier Contractor, 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

This means that it is not just waste management companies that must register, but also those that carry their own waste in the course of their normal business activities. This may include cardboard packaging, non construction waste and other waste streams produced by their business.

Examples of Lower Tier registrations might be:

*Businesses that collect confidential waste from their different locations to centralise at Head Office.
Businesses where maintenance teams carry non construction waste items.
Solicitors that take their waste paper to a paper merchant once a month.
Healthcare Trusts where nurses travel with waste sharps in their car.
Carpet fitters who take away offcuts.*

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. Costs and more information can be obtained from their web site:

www.gov.uk/waste-carrier-or-broker-registration

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

The Environment Agency operates an On-line [Public Register](https://environment.data.gov.uk/public-register) where you can check to find a registered waste carrier or site license details. The search is available to view at

<https://environment.data.gov.uk/public-register>

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 if the waste will ultimately be sent for 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 recycle is removed prior to onward transport to a landfill or Energy from waste facility. A third compliant route is that the waste is taken directly to an incinerator or Energy from waste facility.

Separate collection (TEEP)

From 1 January 2015, the [Waste Regulations \(England and Wales\) 2012](#) applied a requirement for any 'establishment or undertaking' that collects waste to separately collect paper/card, plastic, glass and metals where separate collection is necessary to ensure that the waste undergoes treatment for recovery or recycling and where 'Technically, Environmentally and Economically Practicable' (TEEP).

An 'establishment or undertaking' includes waste management companies, Local Authorities and brokers and applies to collectors of both household and business waste.

What does this mean in practice?

There are two key issues:

1. Do these materials have to be separately collected from other waste?
2. If they do, can they be collected co-mingled or must each material be collected separately.

The criteria that determines the first is the TEEP test. However, there has been no clear guidance on how this should be applied although in a [Judicial Review](#) in 2013, the judge stated that '*in common parlance, practicable means more than merely convenient, useful or even practical; but rather feasible or capable of being done*'. This suggests that the default position should be - as in Scotland - that waste collectors should only collect the four materials separately to other waste. However, there is no parallel requirement for waste producers to separate out those waste materials although under their waste hierarchy obligations, they should ensure that they are disposing of their waste as high up the hierarchy as possible.

Waste Hierarchy

Defra have now produced a [Guidance Document](#) on Applying the Waste Hierarchy, especially with a view to trying to raise awareness of prevention and the financial benefits this can convey.

The waste hierarchy is explained below



The document gives a table showing how this hierarchy might apply to a range of materials in determining the best option for disposal. It then goes on to explain that there is a legal duty on anyone who produces or handles waste (other than householders) to 'take all such measures as are reasonable in the circumstances to apply the waste hierarchy to prevent waste and to apply the hierarchy as a priority order when you transfer waste to another person'.

It also suggests the words that should be included in Transfer notes and Consignment notes for the declaration:

I confirm that I have fulfilled my duty to apply the waste hierarchy as required by regulation 12 of the Waste (England and Wales) Regulations 2011.

For those that operate a site under an Environmental Permit, a condition of a new or revised permit will place a duty on the permit holder to apply the hierarchy.

The document provides a greater explanation of what each part of the hierarchy means and makes an attempt to explain how these should be considered in practice. For instance, for public bodies and businesses to consider prevention, it offers suggestions such as 'hire or lease rather than purchase electrical and electronic equipment, textiles or furniture.' and 'maximise life of tyres through transport and logistics practices.'

Waste Transfer Notes

Every transfer of waste between two parties must be covered by the appropriate documentation. For non-hazardous waste, this is generally a Waste Transfer Note (WTN) and for hazardous waste, a Consignment Note.

Waste transfer documents are a legal requirements that must contain certain information including a signature from both parties between whom the waste is being transferred. From 28th September 2011, a transfer note must conform with the new requirements laid down by the [Waste \(England and Wales\) Regulations 2011](#). The EA provides a [downloadable](#) template, but this does not have to be used. Any form can be used so long as it contains the relevant legal information.

The [Waste Regulations \(England and Wales\) 2014](#) permits the use of alternative documentation to the Waste Transfer Note such as invoices or even email. But the legal requirements for what must be included remain the same.

It must include the following:

- A brief written description of the waste being transferred.
- The correct [EWC code](#) for the waste.
- An indication of how the waste is contained. Eg. is it loose, in a sack, skip or drum?
- A [SIC 2007 code](#) .
- A tick box to state that the [waste hierarchy](#) has been considered with the relevant words
- Identify the amount of waste being passed on.
- List your name and identify that you are the producer of the waste.
- List the name of the person you are passing the waste to and their status, for example a registered waste carrier, including their registration number.
- Give the address where you passed the waste to the other person as well as the date and time that you gave him the waste.
- Be signed by both parties and be kept for at least two years.

For repeated transfers, where the description of the waste and all the circumstances remain the same, a 'season ticket' can be used to cover all transfers i.e. one note which can last up to 12 months.

The WTN now requires a waste hierarchy statement with the following words recommended by Defra guidance:

By signing in Section D below I confirm that I have fulfilled my duty to apply the waste hierarchy as required by Regulation 12 of the Waste (England and Wales) Regulations 2011

It is illegal to collect - or have collected - commercial or industrial non-hazardous waste without a valid WTN in place. Normally, the waste collection company would generate the transfer note, but it is the transferror's legal responsibility to ensure that the EWC code is correct.

The WTN should include both a brief written description and a European Waste Catalogue (EWC) code, often known as the [List of Wastes \(LOW\) code](#). This description and code are extremely important:

- They ensure that the person to whom the waste is being transferred understands the handling requirements.
- The EWC code determines whether a site can receive the waste as all sites operating under an Environmental Permit or an Exemption are restricted to certain EWC codes.

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 – 20 03 01. 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
- 150103 wooden packaging
- 150104 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

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 as certain sludges or chemical waste from refining processes, but it also includes waste that arises in everyday business activity.

These include but not limited to

- Fluorescent Light 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 absorbent, rags or container contaminated with oil

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 [WM3](#).

An EA have produced a list of Guides for Hazardous Waste Management available to view at

<https://www.gov.uk/managing-your-waste-an-overview>

Guidance on the storage of hazardous waste is given on the [Gov.uk](#) website, but essentially, if you keep hazardous waste on your premises, even for a short period of time, you must:

- ensure that it is stored safely and securely to prevent pollution
- ensure that it is packaged and labelled correctly ([latest CLP Guidance Sep 2016](#))
- keep different types of hazardous waste separate
- keep hazardous and non-hazardous waste separate

- keep liquid hazardous waste in a dedicated area, with a bund or barrier to contain spills and leaks
- regularly check storage areas for leaks, deteriorating containers or other potential risks
- display written instructions for storing and disposing of each type of hazardous waste
- maintain an inventory of the hazardous wastes kept on your premises, and where they are stored - this will help the emergency services to deal with any incident effectively and safely

You must assess risks posed by any hazardous substances that you store on your site, including hazardous waste, and take steps to control those risks.

The movement of Hazardous Waste between two sites - regardless of whether the sites belong to the same business or the waste is owned by the carrier - must be accompanied by a Consignment Note.

For England and Wales, no pre-notification is required. In Scotland and NI, a three day notification process still applies.

England and Wales now operate different Consignment Notes.

England - a [modified Consignment Note](#) is now required that has removed the premises code and requires a SIC 2007 code.

The note requires the use of [Recovery and Disposal Codes](#) and [Hazard Codes](#).

They must contain the correct [EWC codes](#) and a valid [SIC code](#) (2007 for England, 2003 for Wales).

And where they are used for waste that must be transported under Carriage of Dangerous Goods, they must show the [UN Code\(s\)](#).

Scrap Metal Dealers

The [Scrap Metal Dealer's Act 2013](#) was designed primarily to cut down on scrap metal theft by requiring site and collection operators to register and maintain specific records and making it an offence to buy scrap metal for cash.

Scrap metal is defined as:

- any old, waste or discarded metal or metallic material, and
- any product, article or assembly which is made from or contains metal and is broken, worn out or regarded by its last holder as having reached the end of its useful life.

In theory, it therefore includes WEEE.

A **scrap metal dealer** is defined as a person that

- carries on a business which consists wholly or partly in buying or selling scrap metal, whether or not the metal is sold in the form in which it was bought, or
- carries on business as a motor salvage operator (so far as that does not fall within paragraph (a)).

Brokers and dealers who purchase but never physically receive scrap metal are also therefore classed as Scrap Metal Dealers.

A **mobile collector** is a person who

- carries on business as a scrap metal dealer otherwise than at a site, and
- regularly engages, in the course of that business, in collecting waste materials and old, broken, worn out or defaced articles by means of visits from door to door

Scrap metal dealers are required to obtain a licence from their local authority. This entitles them to then collect from sites outside their local authority area unless they intend to operate like a mobile collector in (b) above in which case they must also register with the collection area's local authority. GOV.UK now contains an [online application process](#). ([Different for Scotland](#))

A **broker, dealer or agent** who never physically receives scrap metal but who deals in scrap metal is classed as a Scrap Metal Dealer and must obtain a licence from the local authority in whose area they operate from.

It is assumed that any collections carried out on their behalf are covered by their licence.

Mobile collectors must obtain a licence from each local authority whose area they operate in.

A licence lasts for 3 years unless revoked. Local authorities are free to charge what they wish.

The environment Agencies are required to maintain public registers of Scrap Metal Dealers.

Have Scrap Metal to Sell

It is illegal to pay or receive cash for scrap metal, Section 11 of the Scrap Metal Dealers Act (SMDA) 2013 places a requirement on scrap metal dealers to verify the identity of the person they are receiving and purchasing the metal from and the person's address. This verification must be done by reference to data, documents or other information obtained from a reliable or independent source, such as the Identity and Passport Service, the Driver and Vehicle Licensing Agency, a bank or utility company etc. The Secretary of State will prescribe in regulations the data or documents which are sufficient, or not sufficient as the case may be, for verifying identity.

Scrap metal dealers are obliged to verify the identity of anyone selling scrap metal to them.

The only acceptable ID documents are:

- Photo ID - Valid UK photo driving licence
- Valid UK passport*
- Valid EEA passport*
- Valid UK biometric immigration document*

* If the document does not show a current address, it must be accompanied by Proof of address which must be less than 3 months old *when the scrap is received, examples are*

Bank or building society statement
Credit or debit card statement
Council tax demand letter or statement
Utility bill (not a mobile phone bill)

We shall need details of your bank account to where you wish the money to be paid including the

Sort Code
Account Number

Disclaimer

As Legislation is constantly changing, we offer this list as a brief summary to waste regulation and therefore ask that you confirm which regional regulations are relevant to your company and compliance, therefore if you have any questions we will be happy to discuss your individual company requirements in order we may offer our best advice and support to you as a customer or alternatively you may contact the Environment Agency at: