

# Important information concerning Government legislation

## HAZARDOUS WASTE MANAGEMENT - essential information for businesses

### Actions you need to take

**dti**

**defra**  
Department for Environment  
Food and Rural Affairs

Invest  
Northern  
Ireland



**SCOTTISH EXECUTIVE**



Llywodraeth Cynulliad Cymru  
Welsh Assembly Government

## FOREWORD

*To the Managing Directors and Chief Executives of all UK businesses.*

### Required compliance with new regulations

This document contains information which could be of significant importance to your business. It sets out the requirements and implications of legislative measures that were introduced in the UK on 16 July 2004. The issues involved include the Landfill Directive and the implementation of the European Hazardous Waste List.

Implementation of the Landfill Directive in the UK will have a significant impact on the way waste is managed. From 16 July this year, landfill operators were banned from co-disposing hazardous wastes with other types of waste. This means that there is a considerable reduction in the capacity available to landfill hazardous waste from July 2004, and correspondingly the cost of disposal is likely to rise.

Changes to the definition of hazardous waste were made at the EU level from 1 January 2002. Some key EU legislation - the Landfill Directive and the Waste Incineration Directive - already incorporates the new definition. The new definition will be applied to the controls on tracking and movement of waste. This is currently governed by the Special Waste Regulations. In England, these will be replaced by new regulations following consultation over the summer and early autumn. Similar controls will be brought in separately in Wales and Northern Ireland. Regulations are already in place in Scotland and these came into force on 1 July 2004.

To help you and your management team prepare for these changes, refer to the 'Where can I go for help?' section at the back of this document. These services will guide your technical and operations managers in understanding the legislation and the actions that your business needs to take.

Please take the time to read this brief overview, and pass on the information within your management team. It could help your business reduce its costs. This Envirowise publication aims not only to explain what needs to be done, but also how you can turn the situation to your business's advantage.

# Your call to action

## Landfill Directive and Hazardous Waste

Landfill legislation has been amended to implement the Landfill Directive from 16 July 2004. Landfill operators are now banned from the co-disposal of hazardous wastes with other types of waste. This will have a significant impact on UK businesses as waste disposal costs are likely to increase.

Along with the banning of co-disposal, other changes affect what is classed as hazardous waste, and how this will need to be managed.

This document gives you an overview of the issues involved and explains why you need to act NOW. On the following pages you will find answers to these questions:

- **What is this legislation?**
- **What is the aim of the legislation?**
- **Who is affected?**
- **What is hazardous waste?**
- **What are the implications for UK businesses?**
- **What are the likely costs?**
- **What are the advantages of acting now?**
- **What do the regulators say?**
- **What do I do next?**

This overview alerts you to more comprehensive sources of information that will explain both the business and environmental implications of the legislation.

# Landfill Directive and Hazardous Waste

## What is this legislation?

The legislation applies to the management of hazardous wastes.

The Landfill Directive bans landfill operators from mixing hazardous wastes with other inert or non-hazardous wastes in landfills (known as co-disposal). All hazardous waste sent to landfill will have to be pretreated and must meet specified Waste Acceptance Criteria. Producers of hazardous waste and non-hazardous waste have a Duty of Care to ensure that any waste they produce is managed in a responsible and compliant manner. This means that you must understand what your waste management contractors can and cannot do.

New regulations in England, Wales and Northern Ireland will replace the Special Waste Regulations, and are concerned with the tracking and movement of hazardous waste. Consultation on the draft regulations will commence this summer.

It is likely that your business will be classed as a hazardous waste producer if its activities produce hazardous waste, or if it carries out pre-processing, mixing or other operations resulting in a change in the nature or composition of the waste that will make it hazardous.

## The aim of the legislation

The Landfill Directive aims to reduce the environmental risk from landfilled waste, promote waste minimisation and create more consistent controls on the construction, management and content of landfills across the EU. This legislation has a direct impact on those sectors currently disposing of significant quantities of hazardous waste.

## Who is affected?

Four major waste types account for over half of the hazardous waste produced in England and Wales (see Figure 1):

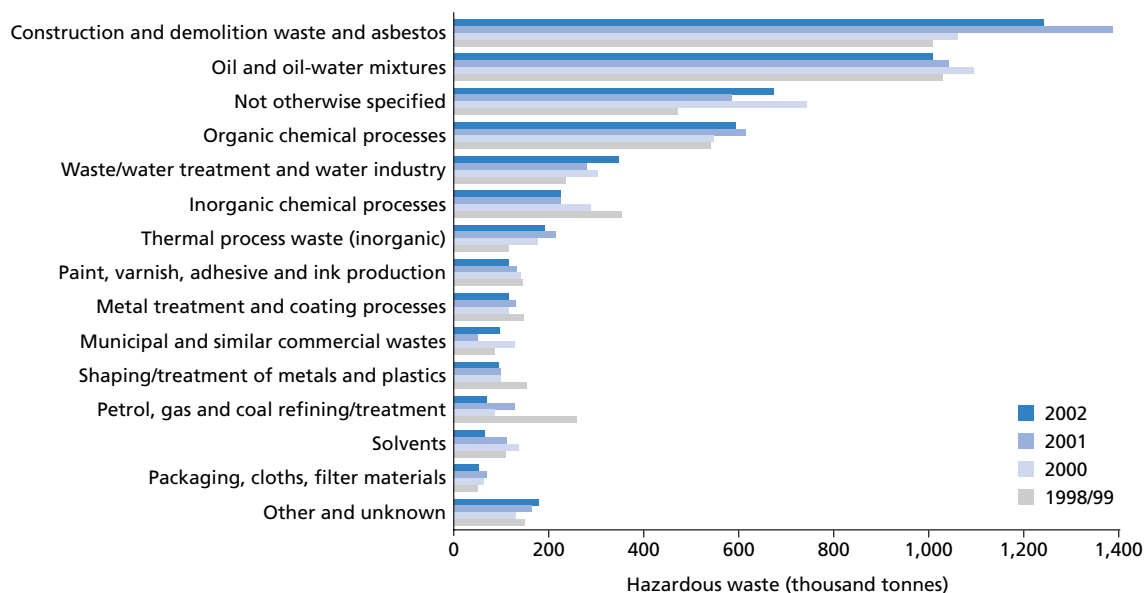
- **Construction and demolition and asbestos waste (which consists largely of contaminated soils from the redevelopment of former industrial sites)**
- **Oil and oil-water mixtures (such as the contents of oil interceptors)**
- **Organic chemical process waste (for example, waste from the pharmaceutical and pesticide industries)**
- **Inorganic chemical process waste (for example, waste from the manufacture of acids and alkalis)**

Even if your business is not one of those featured in Figure 1, or does not manufacture goods, it may still be affected.

## What is hazardous waste?

Waste is hazardous when it contains properties that might make it harmful to our health or the environment. The European Commission's directive is based on a list of hazardous wastes. Many of these wastes were already regarded as 'special waste' in the UK and are already collected separately.

However, the European Commission has recently revised its list of hazardous wastes and incorporated it into the European Waste Catalogue. The revised list includes a number of waste streams not previously considered to be hazardous, for example, fluorescent tubes, television sets, batteries and computer monitors.



'Not otherwise specified' category covers those movements of hazardous waste for which there was more than one waste type present in the consignment. 'Other' category includes mining and minerals, agriculture and food production, wood and paper production, leather and textile production, photographic industry and healthcare.

Figure 1 Hazardous waste produced by type in England and Wales, 1998/99 to 2002

## What are the implications for UK businesses?

### UK compliance

The Landfill Directive ban on co-disposal became effective on 16 July 2004. If your business disposes of hazardous waste to landfill it will be directly affected. If your business produces hazardous waste that is managed in other ways, it may still be indirectly affected. You should check with your waste management contractor about what the cost implications will be for you as a hazardous waste producer.

New regulations will come into force throughout England, Wales and Northern Ireland that will replace the current controls in the Special Waste Regulations. In Scotland, new arrangements came into force on 1 July 2004 under the Special Waste Amendment (Scotland) Regulations 2004. In England, the Hazardous Waste Regulations are expected to come into force by summer 2005. Separate regulatory arrangements are being prepared for Wales and Northern Ireland.

In the next few months, Defra and the Environment Agency will publish a consultation paper that outlines arrangements for England, including:

- **The changes to the special waste regime**
- **Procedures for registration of sites where hazardous waste is produced**
- **Timescales for implementation**

A similar consultation will take place in Wales. The legislation is expected to come into force on the same day in both countries.

### What are the likely costs?

Most businesses may have to consider price rises - in particular, as a result of the requirements of the Landfill Directive.

Estimated costs to your business are expected to be:

- **A three-fold increase in landfill prices per tonne from July onwards**

- **A potential further doubling in price from 2005**

The reasons for these rises are:

- **Increased costs for transport of waste**
- **Pretreatment of hazardous waste**
- **Alternative waste management options (eg incineration instead of landfill)**
- **Process changes**

## What are the advantages of acting now?

### Cost reductions

Acting now and planning ahead can reduce the costs of implementing the

necessary process changes needed to reduce the impact of the legislation.

### Marketing benefits

Make a positive impact on your customers through consulting with stakeholders on proposed process changes intended to reduce the environmental impact of your business through production of less waste.

### Risk reductions

Unnecessary increased costs and the risk of non-compliance can both be avoided if you take action now to find out about the legislation and what you can do to reduce its impacts on your business.

**THE LONGER YOU DELAY ACTION, THE HIGHER YOUR COSTS COULD BE.**

## What do the regulators say?

Many businesses are unaware that they have a legal Duty of Care to ensure that they pass their waste on to a legitimate waste carrier. They could be breaking the law themselves if their waste has subsequently been fly-tipped by unscrupulous carriers. The Environment Agency has warned that it will not tolerate illegal waste activity in England and Wales.

Although some businesses are already acting to reduce the impacts of the legislation, the majority of businesses still underestimate the challenges ahead.

*“Responsibility for waste management lies with the company which initially produces the waste. That is why the regulators are encouraging businesses to take action now to ensure compliance with their legal obligations and to take advantage of the financial and business benefits of waste minimisation.”*

## So, what do I do next?

Alert your technical and operations managers to the legislation and ask them to report back to you in detail on:

- **What action to take and how quickly you need to take it**
- **Procedures for compliance with the Duty of Care**
- **The cost implications and how these can be minimised by taking action**
- **The business threats from increased costs and competition**
- **The competitive advantages to be gained from taking action**

## Where can I go for help?

### Advice

UK companies can call the Environment and Energy Helpline free on 0800 585794 for advice

In England and Wales, information can be obtained from the Environment Agency on 0845 9333111 or [enquiries@environment-agency.gov.uk](mailto:enquiries@environment-agency.gov.uk)

In Wales, the Welsh Assembly Government (WAG) is providing support to companies through ARENA Network. Substantial on-site advice is available. Please call ARENA Network on 01443 844001

In Scotland, contact the Scottish Environment Protection Agency (SEPA) on 01786 457700 or go to [www.sepa.org.uk](http://www.sepa.org.uk)

In Northern Ireland, contact the Environment and Heritage Service (EHS) Special Waste Unit on 028 9054 6462 or call Gillian Stewart at Invest NI on 028 9263 3426

### Publication

*Hazardous waste - a growing challenge* is a report from the Environment Agency and is available at [www.environment-agency.gov.uk/growingchallenge](http://www.environment-agency.gov.uk/growingchallenge)

### Websites

[www.envirowise.gov.uk/hazwaste](http://www.envirowise.gov.uk/hazwaste) - Envirowise's website for information on hazardous waste. Practical support is available for SMEs through *FastTrack* hazardous waste reviews

[www.environment-agency.gov.uk/business/444217/590750/590821/502174/496498/](http://www.environment-agency.gov.uk/business/444217/590750/590821/502174/496498/) - interpretation of the definition and classification of hazardous waste technical guidance WM2

[www.environment-agency.gov.uk/business/444217/444663/landfill/355572/?version=1&lang=\\_e](http://www.environment-agency.gov.uk/business/444217/444663/landfill/355572/?version=1&lang=_e) - consolidated version of the European Waste Catalogue

[www.netregs.gov.uk](http://www.netregs.gov.uk) - for simple plain English advice on environmental legislation

[www.defra.gov.uk](http://www.defra.gov.uk) - the website for the Department for Environment, Food and Rural Affairs

[www.sepa.org.uk/guidance/index.htm](http://www.sepa.org.uk/guidance/index.htm) - two documents under 'Waste' are *Special Waste Amendment (Scotland) Regulations 2004 - Frequently Asked Questions* and *Hazardous Waste: Interpretation of the definition of classification of hazardous waste*

[www.ehsni.gov.uk](http://www.ehsni.gov.uk) - for information on hazardous waste and the Northern Ireland Hazardous Waste Forum

[www.hazardouswaste.org.uk](http://www.hazardouswaste.org.uk) - a new dedicated portal for basic information on hazardous waste and signposting to all the information, guidance and support you will need regarding the regulations



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Envirowise - Practical Environmental Advice for Business - is a Government programme managed by Momenta, an operating division of AEA Technology plc, and Technology Transfer and Innovation Ltd.



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