

CROWBERRY CONSULTING
Environment, Ethics and Corporate Responsibility Management

Waste Management FAQ's



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What Is Waste?

There are great difficulties in defining what is meant by waste. It is often said that one person's waste is another person's raw material. Generally, it is anything that doesn't make it to the final product.

Some examples include:

- Agricultural Waste
- Animal by-products
- Bio-waste's
- Clinical waste
- End of Life Vehicles (ELVs).

Why Do We Need to Control and Regulate Waste?

We need to cut down on our consumption of natural resources not only because they will eventually run out, but also because we are running out of landfill space. Another issue is that some material in the landfills decays and gives off methane and carbon dioxide, both of which contribute to global warming.

Image from Green and Growing.



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Do The Regulations Affect Me?

The [Waste \(England and Wales\) Regulations 2011 \(amended 2014\)](#):

- Require businesses to confirm that they have applied the waste management hierarchy when transferring waste, and include a declaration on their waste transfer note or consignment note.
- Introduce a two-tier system for waste carrier and broker registration, including a new concept of a waste dealer.
- Make amendments to hazardous waste controls.
- Exclude some categories of waste from waste controls.

The regulations also require the separate collection of waste paper, metal, plastic and glass.

NOTE: Scotland is regulated differently (*see below*).

How Is the Management of Waste Regulated?

Every business is under a duty of care to ensure that it handles its waste safely and in compliance with the appropriate regulations. The basic responsibilities are to: know whether wastes are hazardous or non-hazardous; store wastes in suitable containers at secure locations; label the waste containers; check the wastes are subsequently handled by those who have authorisation. It is important that a business must check that anyone who collects its waste is authorised to take it, which means that they are either: registered as a carrier of waste, exempt from registration, or are a waste collection authority (in England and Wales).

The regulations affect businesses that:

- Produce waste.
- Import or export waste
- Carry or transport waste
- Keep or store waste
- Treat waste
- Dispose of waste
- Operate as waste brokers or dealers.



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The Waste Hierarchy

The **Waste Hierarchy** (as set out in the **Waste Framework Directive**) to ensure waste is dealt with in this priority. Following the waste hierarchy is good practice which businesses should adopt as a matter of course.

- 1) Prevention.
- 2) Re-use.
 - Which of your waste materials could be reused – do you use paper on both sides; do you have china mugs in the canteen which can be reused rather than plastic ones; can waste washing water be reused as 'grey water' in the toilet cistern?
- 3) Recycling.
 - Speak to your waste carrier and find out what waste they will take for recycling and if they want it segregated. If they cannot help, contact a specialist recycling company.
- 4) Other recovery.
 - For example, energy recovery.
- 5) Disposal.

It is of the utmost importance that 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.

Another Key Tip is to ensure that your SIC code matches with the one provided from your Consignment Note, as differing SIC codes can lead to a non-compliance should you undergo an audit.

Since 2012, you can now accept digital transfer notes and consignment notes.

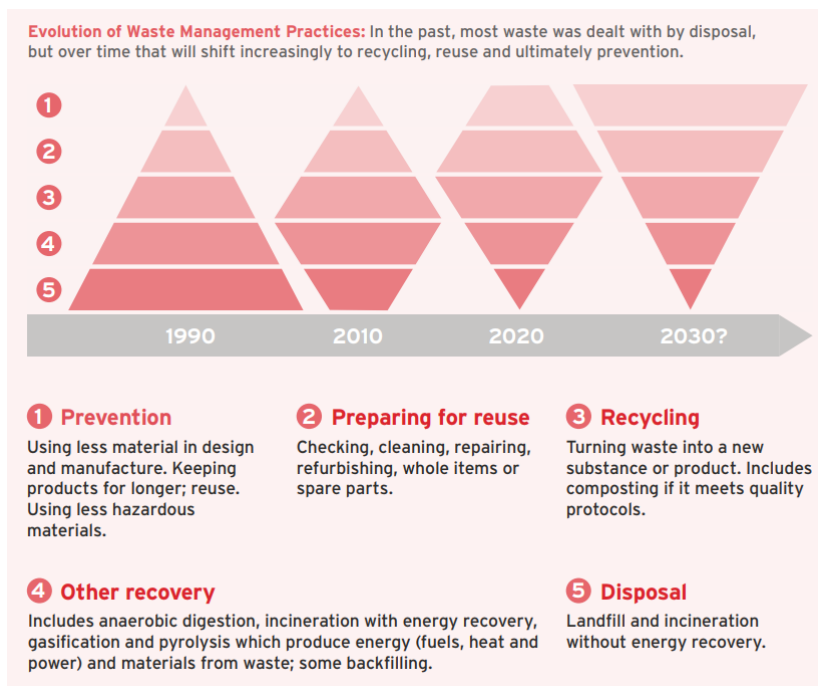


Image from 'Our Waste, Our Resources: A Strategy for England'

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I Am A Waste Carrier, Broker Or Dealer – How Do The Regulations Affect Me?

The Regulations introduce a two-tier system for waste carrier, broker and dealer registration:

- Upper tier registration:
 - You need to register as an upper tier carrier or broker if you want to carry, broker or deal in other people's controlled waste, unless you are in one of the lower tier categories listed below. You also need to register as an upper tier carrier if you carry your own construction or demolition waste.
- Lower tier registration:
 - You need to register as a lower tier carrier if you only carry, broker or deal in:
 - Animal by-products.
 - Waste from mines and quarries.
 - Waste from agricultural premises.

Image from [Waste360](#)



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What Is Hazardous Waste?

Some types of waste are harmful to human health, or to the environment, either immediately or over an extended period of time. These are called hazardous wastes.

The [Hazardous Waste Regulations 2005](#) (as amended [2009](#) and [2016](#)) introduce a new category, H13 Sensitizing, to the list of properties defining waste as hazardous.

Sensitizing substances cause hypersensitisation, i.e. the substance will cause adverse effects if you inhale it or it penetrates your skin and you are then further exposed to the substance. These changes mean that some non-hazardous wastes may be reclassified as hazardous wastes, so be diligent with classifying your waste! Below is a list showing how all hazardous waste must be managed:

- Mixing of hazardous waste can only be carried out if you hold an appropriate permit allowing you to do this and the activity must comply with Best Available Techniques (BAT).
- A new hazardous property (H13 sensitizing) has been introduced and will need to be used when assessing hazardous waste.
- There are changes to the record keeping requirements, in particular for brokers.
- The consignment note has been amended and the multiple consignment procedure has been simplified.
- The waste hierarchy must be considered and applied in a priority order when hazardous waste is transferred.
- For waste received on or after this date there are revised procedures to be followed for consignee returns.

The Government has also recently released some guidance on the disposal of Hazardous Waste. You can find it [here](#).

What Types Of Waste Are Excluded Under The New Regulations?

- Land spreading animal by-products that are covered by the [Animal By-Product Regulations 2013](#), organic fertilisers and soil improvers, and milk spread outside the farm of origin or digestive tract content.
- Incinerating dead pets in crematoria with a capacity of less than 50kg per hour.
- Some faecal matter, straw, farming and forestry materials, depending on how you use the material and the potential for harm to the environment or human health.
- Most radioactive waste is controlled by [Ionising Radiation Regulations](#), and does not require waste control.



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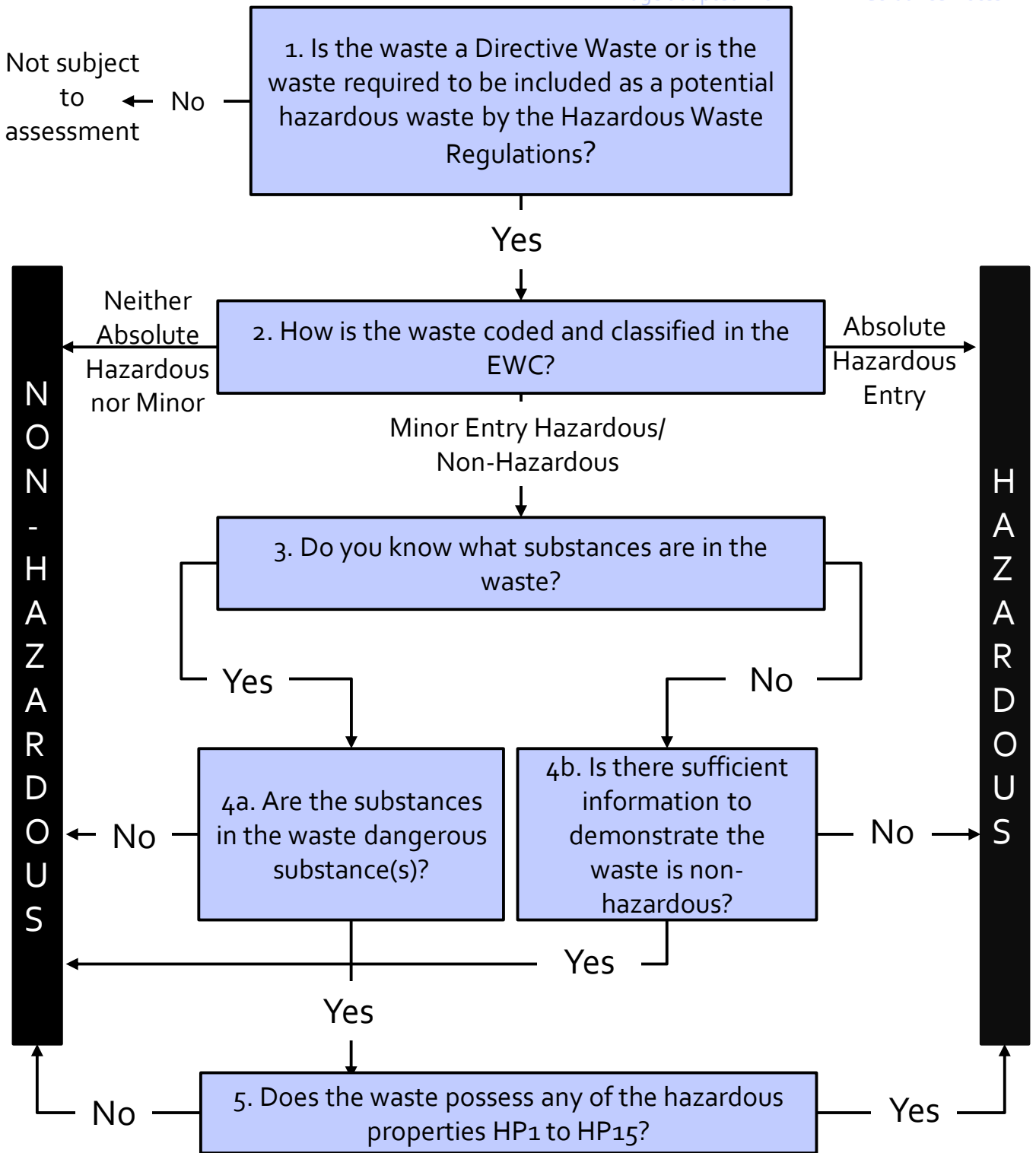
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Is My Waste Hazardous?

Image adapted from DEFRA Guidance Notes.



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Case Study

Bell Brush Ltd is a small company with 12 employees. It is a wholesale distributor of a range of cleaning products including brooms, litter pickers, shovels, tools and signs.

As a result of its awareness of environmental legislation and its obligations, Bell Brush undertook the following initiatives:

- Reuse of office paper for drafts, memos, messages and calculations – and then shredding this reused paper for use as packaging
- Reuse of cardboard where possible
- Reuse or recycling of boxes and packaging material
- Consideration of reducing the overlap shrink-wrapping of pallets
- Requests to its suppliers to; a) supply goods in reusable and refillable packaging and b) reduce packaging by volume and weight.

By recycling and so on, the company achieved a 50% reduction in waste disposal costs and similar amount on packaging costs.

What other businesses can take from this is that so many waste materials which could be reused or recycled are being discarded – refer back to the waste hierarchy.

What Is Agricultural Waste?

Any substance or object from premises used for agriculture or horticulture, which the holder discards, intends to discard or is required to discard. It is waste specifically generated by agricultural activities. For example, waste which came from a farm shop or a vegetable packing plant would not be agricultural waste.

Some examples of agricultural waste are:

- Empty pesticide containers;
- Old silage wrap;
- Out of date medicines and wormers;
- Used tyres;
- Surplus milk.

Since 2006, agricultural waste has been subject to the same controls that have applied to other sectors for many years. In **2006**, uncontrolled burning or tipping of waste on farms became illegal.



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What Is Clinical Waste?

Clinical Waste is defined in the [Controlled Waste Regulations 1992](#) (as amended [2012](#)) as:

- a) 'any waste which consists wholly or partly of human or animal tissue, blood or any other body fluids, excretions, drugs or other pharmaceutical products, swabs or dressings, or syringes, needles or other sharp instruments, being waste which unless rendered safe may prove hazardous to any person coming into contact with it;
- b) and any other waste arising from medical, nursing, dental, veterinary, pharmaceutical or similar practice, investigation, treatment, care, teaching or research, or the collection of blood for transfusion, being waste which may cause infection to any person coming into contact with it'

So, clinical waste falls into two main categories:

- Waste which poses a risk of infection;
- Medicinal waste.

Generally, clinical waste is any item which can be hazardous to health. This includes dressings, dialysis products, needles, empty insulin cartridges or syringes. These items require a separate collection as they need to be incinerated.

How Do I Dispose of Clinical Waste?

The council provides a specialist collection service of clinical waste as well as sharps for households. Once you have registered with them, they will provide you with Orange bags to collect the waste. For larger, industrial clinical waste, there are specialist collectors who may be contacted to deal with this.



Image from [saifinsight](#)



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Will I Have To Pay Tax When I Dispose Of Waste?

YES - landfill tax is a tax on the disposal of waste. It aims to encourage waste producers to produce less waste, recover more value from waste, for example through recycling or composting and to use more environmentally friendly methods of waste disposal.

Landfill Tax (as amended [2016](#)) applies to all waste:

- Disposed of by way of landfill
- At a licensed landfill site
- Unless the waste is specifically exempt

The tax is charged by weight and there are two rates. Inert or inactive waste is subject to the lower rate.

[Finance Act 2019](#) has established the rates for Landfill for the next year until April 1st 2020, they are:

Standard Rate: £91.35 per tonne (expected increase to £94.15 per tonne in 2020)

Lower Rate: £2.90 per tonne (expected increase to per tonne £3 in 2020)



Image from [arrowaste](#)



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How Is Waste Regulated in Scotland?

The [Waste \(Scotland\) Regulations 2012](#) has the aim of the Zero Waste Plan. It sets out the strategic direction for waste policy in Scotland over the next decade and is intended to be an economic strategy and a resource strategy – not simply a waste strategy.

It sets out the [Scottish Government's](#) vision for achieving a zero waste society, “where waste is seen as a valuable resource, valuable materials are not disposed of in landfills, and most waste is sorted for recycling, leaving only limited amounts to be treated”.

The key proposals in the Regulations are:

- A requirement to remove key recyclables (plastics and metals) from mixed waste prior to incineration (from 1 July 2012);
- A requirement for businesses to present dry recyclables (metals, plastics, paper, card and glass) and food waste of more than 50 kg/week for collection from the end of 2013, with those producing less than 50kg/week exempt until the end of 2015.
- A requirement on local authorities to provide householders with a collection service for dry recyclables (end of 2013) and food waste (end of 2015);
- A ban on materials collected separately for recycling going to landfill or incineration (end of 2013); and
- A ban on biodegradable municipal waste going to landfill, thus helping to substantially reduce harmful emissions of methane (end of 2020).
- Note that from 2016, the 50kg requirement will drop to 30kg!

Image from Wikipedia



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The [Unauthorised Deposit Of Waste Regulations 2016](#)

In 2016 a new piece of legislation was designed and put into action to help control and combat the unauthorised deposit of waste and fly tipping, this came into force on the 9th of May 2016 and affects the countries of England, Scotland and Wales.

Through this new piece of legislation, any waste deposit offence in the area of authority can result in the offender being issued a fixed penalty notice in the range of £150-£400.

How Do The [Environmental Permitting Regulations 2016](#) Affect Me?

A company must own an environmental permit if they conduct an activity that pollutes the air, water or land, increases flood risk or adversely affects land drainage.

You will require a permit if you:

- Operate an industrial facility using potentially harmful substances, a waste operation, a mining waste operation, a small waste incineration plant, a mobile plant or a solvent emission activity.
- You will also require a permit if you are carrying out a stand-alone water discharge activity or a stand-alone ground water activity.
- These regulations have been most recently updated in [2018](#). They provided that no Medium Combustion Plant (MCP) brought into operation after 20th December 2018 can operate without a permit.



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The 'B' Word

- In relation to Waste and Waste Management, the impact of Brexit is still yet to be known.
- In the recent Government Strategy Paper – [Our Waste, Our Resources: A Strategy For England](#) – the government have stated their intentions of this being a “unique opportunity” to design a set of policies to drive environmental improvement and growth. They want to “not only maintain, but enhance” the environmental legislation which can be seen through the [EU \(Withdrawal\) Act 2018](#) which has set a provision for drafting a new Environment Bill whilst also ensuring existing EU law continues to have effect in the UK following Exit Day.
- The government also intend to retain any commitments to the Circular Economy Package (CEP) in relation to waste and recycling that are a part of UK legislation when we leave.
- The proposals for the CEP involve reducing the amount of landfill waste to no more than 10% by 2035, and set higher targets for recycling of various everyday materials.

'(EU Exit) Amendment' Regulations

Over the last year, there have been many EU Exit regulations coming out. Don't worry! These are simply implementing EU Legislation and transposing it into UK law firmly, whilst stripping out any reference to EU Institutions or Agencies, and subsequently creating our own governing bodies, this is to prevent any mishaps or unintended consequences following Exit Day.



Image from [JCB Solicitors](#)



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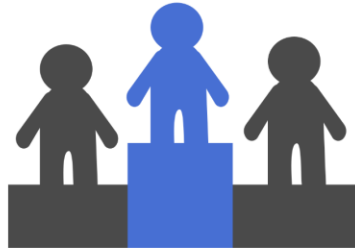
How Can Crowberry Consulting Help You?

- Evaluate your compliance with the Regulations.
- Provide internal audits on the use of waste transfer notes and consignment notes
- Complete a 'waste map' for your organisation, and see what materials can be more effectively recycled and reused, thus reducing waste disposal costs.
- Connect with local companies who may pay a value for your waste.
- Provide training to your employees on the duty of care relating to waste management.
- We can also support your company in implementing the Environmental ISO140001 and can conduct internal environmental audits to help you achieve the certification.

WE CAN HELP YOU IMPLEMENT ISO 14001 - ENVIRONMENTAL:



Clause 4 - Context of the organisation



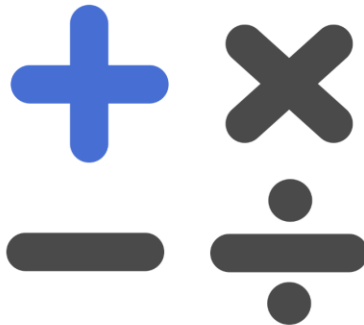
Clause 5 - Leadership



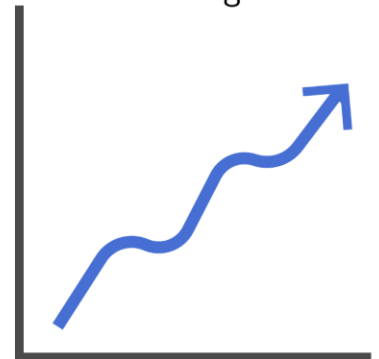
Clause 6 - Environmental Planning



Clause 7 - Support



Clause 8 - Operations for Environment



Clause 9 - Performance Evaluation



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