

November 2004

Presentation on "Waste Management and the Producer's Responsibilities" by Colin Malcolm,

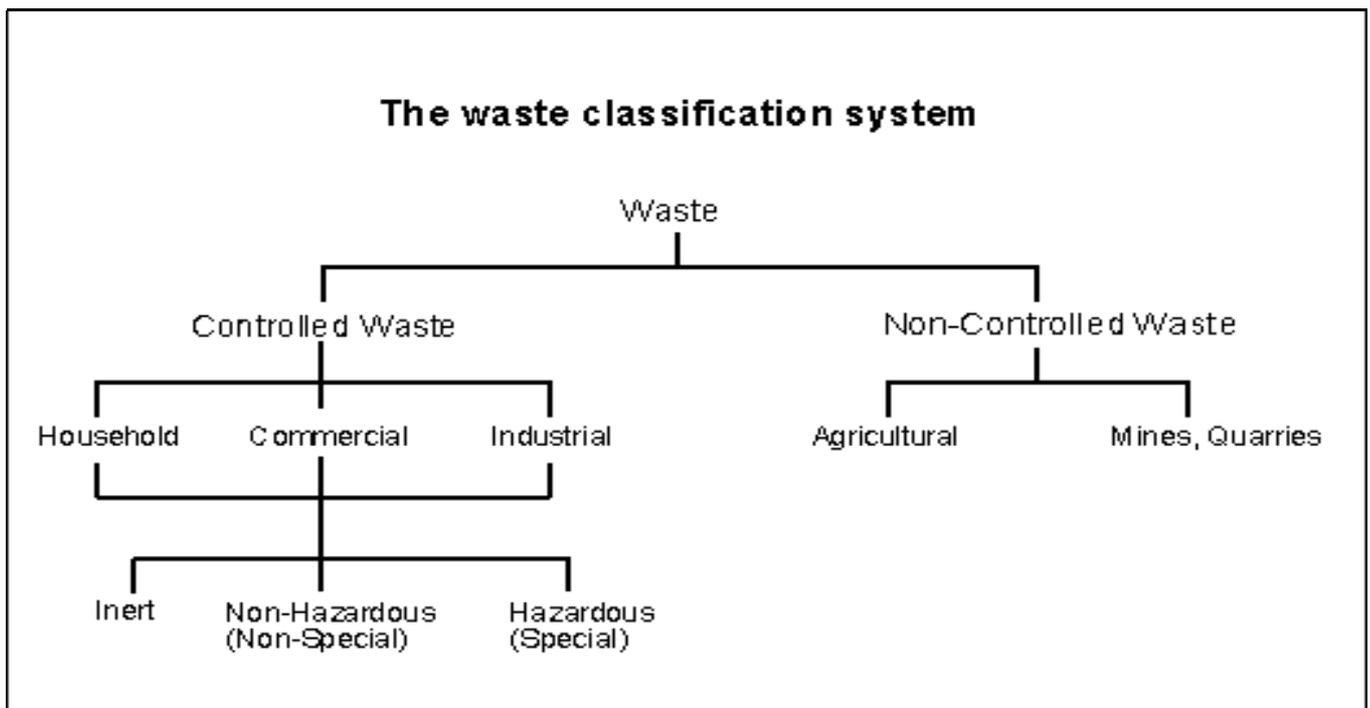
Senior Consultant,
Casella Stangar

By way of introduction, Colin said that he was involved Environmental Risk Management, Sustainability considerations and Integrated Pollution Prevention Control Regulations. Colin added that his Company had several large industrial clients. He then gave an overview of his presentation, which would include definitions of important terms, an insight into strategic factors, waste management techniques and current legislation.

According to the EC *Waste Framework Directive*, waste is

"Any substance or object which the producer or the person in possession of it discards or intends or is required to discard"

At a very early stage, it is important to decide whether a substance or object has been discarded so that it is no longer part of the normal commercial cycle or chain of utility. The broad classification of waste is also sub-divided according to who produces it and what magnitude of risk it presents, as illustrated in this diagram: -

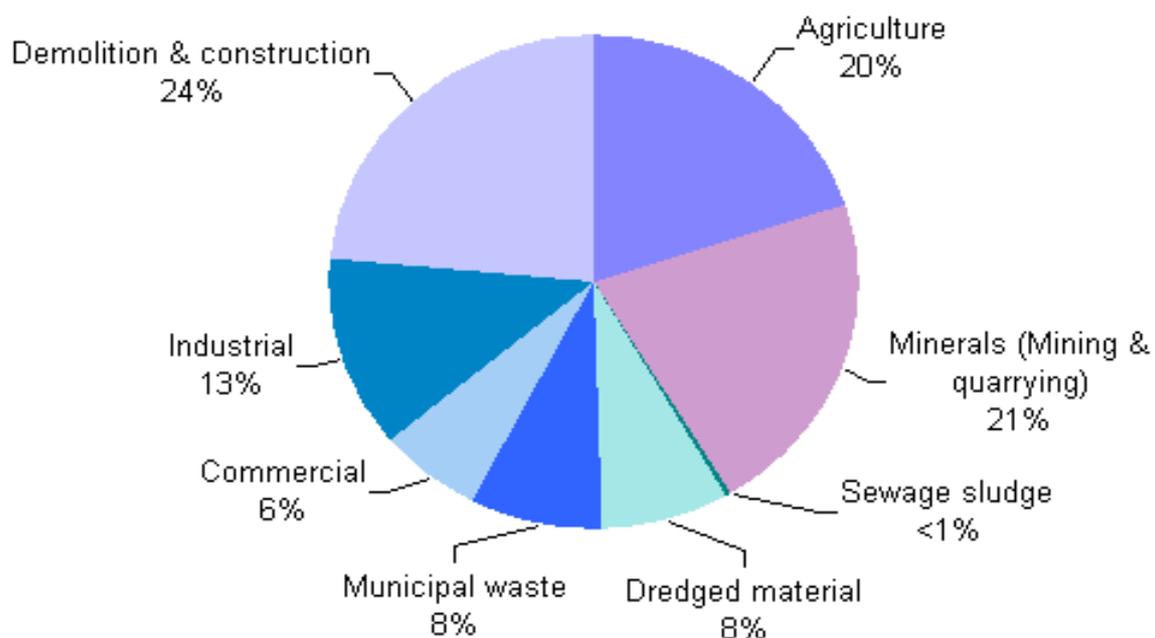


If waste is classified as inert, Colin added, it signifies that its properties do not change in time, whereas Hazardous (or Special) Waste has a potential for harm because it reacts with its surroundings.

In looking at the factors influencing trends in Waste Management, Colin went on, the following were significant and will force producers to become more pro-active: -

- Disposal Costs are high and likely to continue increasing.
- Their true costs of waste are about 10 times the scrap value of the material, as they include: -
 - ❖ Initial cost of the material.
 - ❖ Labour cost of manufacturing the item.
 - ❖ All the Disposal chain costs.
- Reduced landfill capacity
- Increased regulatory controls.
- Regulatory focus towards producer responsibility.

To put the problem in perspective, Colin showed us this chart, and it is interesting to see the pre-eminence of the Demolition, Construction, Agriculture and Mines/Quarries activities.

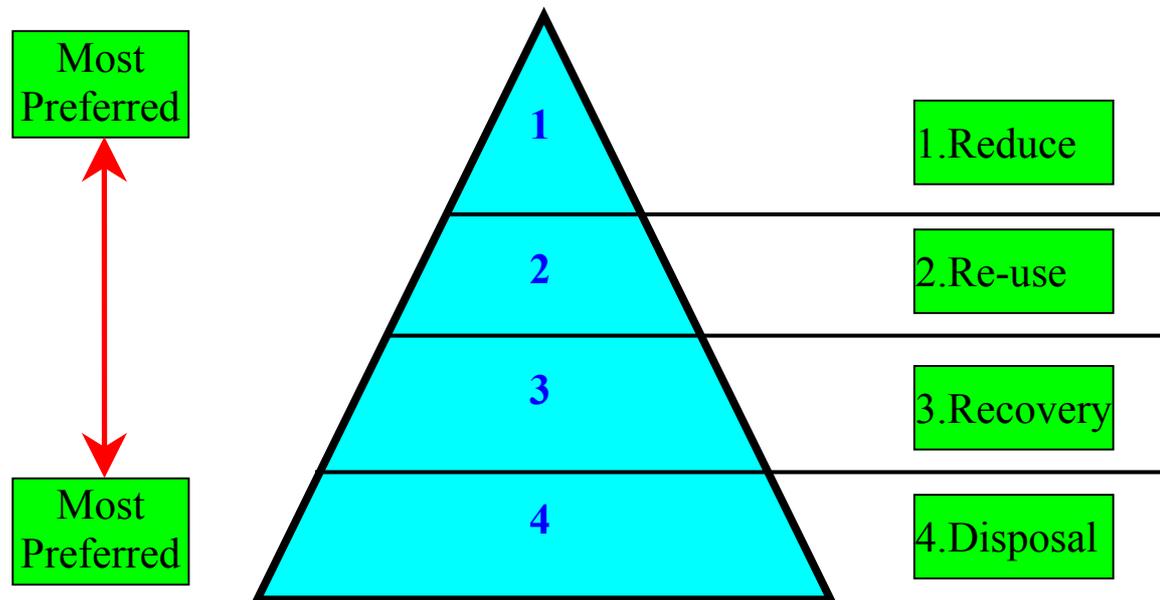


Estimated total =
434 million tonnes

Source: Department for Environment, Food and
Rural Affairs; Environment Agency; Water UK

Colin said that this level of waste production was equivalent to producing the volume of **10 X the Albert Hall every two minutes!**

The cost of waste to companies, generally, was about 1 – 2% of turnover – but this was straight on the bottom line of the accounts! Any sensible Waste Minimisation Policy focuses on reduction at source, by not producing waste in the first place! Effective waste management strategies follow the waste hierarchy principle, illustrated by this diagram: -



This is not too dissimilar to the Hierarchy of Risk Control Measures used in Health and Safety Risk Assessments. Colin illustrated the process with several case studies: -

- ❖ In the Brewing Industry, a quality control batch sample used to be taken when a batch had been brewed. Instead, samples were taken earlier in the production chain so that a sub-standard batch was detected earlier
- ❖ A supplier dispatched products in cardboard boxes that were subsequently scrapped. Changing to re-usable cartons reduced packaging waste.
- ❖ There were many examples where recovery of used precious metals in the electronics industry enabled the cost of waste to be reclaimed in a very short payback period.

All of these proactive measures are helped along with a range of laws, which are constantly evolving, the key legislation being: -

- ❖ Environmental Protection (Duty of Care) Regulations 1991
- ❖ Special Waste Regulations 1996
- ❖ Hazardous Waste Directive
- ❖ Landfill Regulations 2002
- ❖ Waste Management Licensing Regulations 1994
- ❖ Controlled Waste (Registration of Carriers and Seizure of Vehicles) Regulations 1991
- ❖ Producer Responsibility Obligations (Packaging Waste) Regulations 1997 (as amended)
- ❖ Waste Electronic and Electrical Equipment Directive

Although many people had heard of Waste Management laws, Colin commented, not many had heard of the '**Duty of Care' Regulations**, which applied to anyone who produces, imports, carries, keeps, treats or disposes of controlled waste from business or industry.

The key requirements include: -

- ❖ Transfer of all wastes must be to an authorised person
- ❖ Licenses should be authenticated with the environment Agency
- ❖ Waste producers must ensure that the Transfer/Consignment Note are completed and retained
 - Transfer Notes must be retained for 3 years
 - Consignment Notes must be kept for 7 years
- ❖ Wastes must be packaged in such a way as to prevent escape or leakage whilst on site, in transit or in storage
- ❖ Waste containers must be suitably labelled
- ❖ Responsibility under the duty of Care does not end once waste leaves the site boundary. Producers must check that disposal agents do not fly-tip!

A key part of the duty of care requirements is the carrying of wastes, embodied in the **Controlled Waste (Registration of Carriers and Seizure of Vehicles) Regulations 1991**. The key points are: -

- ❖ They apply to organisations or individuals that transport, deal and/or arrange the disposal or recovery, of Controlled Waste.
- ❖ Exemptions include
 - Waste producers carrying their own waste, except building or demolition waste.
 - Exempt Carriers must still register with the regulator

The **Waste Management Licensing Regulations 1994** cover: -

- ❖ Any persons who deposit, keep, treat or dispose of controlled waste in or on any land or if they 'knowingly permit' any of these activities
- ❖ Unlikely to apply if a person only stores waste which they produce and it is removed regularly from the site
- ❖ Whether a WML or exemption is required depends on the duration of storage, types and quantities of wastes that are handled and the activity carried out on site

Colin illustrated some of the problems that arise with badly managed waste



Common faults are Leachate soaking into the ground, no labels on containers and no bunds around the tanks.

The **Special Waste Regulations 1996** require wastes having hazardous properties, such as Oils, Chemicals or Asbestos, to have extra controls. These regulations are to be replaced under the **Hazardous Waste Directive**, although the proposed UK **Hazardous Waste Regulations** have been delayed and are not expected, now, until 2005. When enacted, they are likely to include: -

- ❖ Removal of the need to pre-notify the Environment Agency
- ❖ A new system to ensure that sites where hazardous waste is produced are notified to the Environment Agency
- ❖ A relatively long lead-in period
- ❖ Enactment expected 16th July to coincide with Waste Acceptance Criteria for landfill sites.

As part of the EC Directives, there is a European Waste Catalogue which: -

- ❖ Lists all wastes in groups according to generic industry/process.
- ❖ Each waste type is allocated a 6-digit code and will be classified as either Non-hazardous, Mirror or Absolute Entry

- **Absolute A**
Hazardous Waste, regardless of any threshold concentrations

- **Mirror M**
Hazardous Waste, only if dangerous substances are present above threshold concentrations

e.g. 15.01.01* packaging containing residues of or contaminated by dangerous substances.

The **Landfill Regulations 2002**, relate to landfills in England and Wales and the Key regulatory issues include: -

- ❖ A ban on co-disposal –
- ❖ Pre-treatment requirements

This will reduce the number of sites from about 190 down to 10, will result in higher waste disposal costs and higher transportation costs.

The Regulations to implement the **Waste Electrical and Electronic Equipment Directive (WEEE)** are still in the consultation stage. The directive applies to all those involved in the manufacturing, selling, distributing, recycling or treating electrical or electronic equipment. Producers will be responsible for financing the collection, treatment, recovery and disposal of WEEE.

The **Producer Responsibility (Packaging Waste) Regulations 1997 (as amended)**, require producers to adopt responsibility for packaging wastes if they exceed these thresholds: -

- ❖ Turnover of £2M or above
- ❖ Handling 50 tonnes of packaging in a calendar year.

Producers are defined as manufacturers, converters, importers, pack-fillers or sellers who make a supply to another part of the chain or to the end user. They will have to register an agreement on their annual output. There will be a system of Package Waste Recovery Notes (PRNs) that will be: -

- ❖ Issued by reprocessors/exporters
- ❖ A representation of tonnage of packaging waste recovered/recycled.
- ❖ A means of demonstrating that an obligation to recover/recycle packaging waste has been met
- ❖ A tradable commodity

Compliance will be demonstrated by submitting a Certificate of Compliance and PRNs relating to the producer's obligation. The Environment Agency will monitor a minimum of 2,284 companies, which it considers may be obligated producers in 2004.

In conclusion, Colin said that waste legislation is continuously changing and businesses must ensure that they operate a robust system to keep abreast of these changes and how they affect the organisation. The key strategy is to integrate waste minimisation into all operational practices. He finished by presenting these contact points for further information: -

- ❖ colinmalcolm@casellagroup.com
- ❖ www.environment-agency.gov.uk
- ❖ www.netregs.gov.uk
- ❖ www.defra.gov.uk
- ❖ www.envirowise.gov.uk

Note: Colin informed members that Envirowise will arrange for a maximum of 8 hours free consultation with a local Envirowise Helpline Panel Member.

Members' Questions

Jim Hathaway of Beiersdorf (UK) asked if his firm would be responsible for the disposal of a pocket calculator, which his firm included in presentation packs of cosmetic products. Colin said that the calculator supplier would be responsible.

David Hughes of Hughes Business Services asked if there were any Envirowise Clubs in the area. Colin replied that he was not sure and the Secretary stated that he was not aware of any being mentioned in the regular Envirowise newsletters to BHSEA.

Mark Hoare of Birmingham University asked how food Waste would be classified. Colin answered that cooking Oils would be classified as hazardous waste, whereas food would be general waste. He also referred to the European Waste Catalogue.

Andy Fraser of Mansell Construction Services Ltd. asked how the disposal of empty paint cans would be treated. Colin replied that there was a Waste Code for them – it is 15.01.10 and added that the physical scraping of the can to remove the paint was ‘a process’

Warwick Adams of Interserve Project Services asked what the legal penalties for convictions were, under the various Regulations. Colin said that the Environment Agency saw itself as an adviser, as much as an enforcer, and tried to relate any penalty to the severity of the offence. The maximum fine in the Magistrates Court was £20,000.

As there were no more questions, Warwick thanked Colin for his thorough presentation and gave him a token of our appreciation, followed by the traditional thanks from the members.