

**Agenda Item No:**

**NORTH LONDON WASTE AUTHORITY**

**REPORT TITLE:**  
HAZARDOUS WASTE REGULATIONS 2005

**REPORT OF:**  
HEAD OF WASTE STRATEGY & CONTRACTS

<b>FOR SUBMISSION TO:</b> AUTHORITY MEETING.	<b>DATE:</b> 19 <sup>th</sup> October 2005
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**SUMMARY OF REPORT:**

This report advises Members of the new Hazardous Waste Regulations 2005 that were enacted in July 2005 and describes the changes put in place by the Authority to comply. It also recommends that the Authority join the National Hazardous Waste Forum so that future developments can be monitored more easily.

**RECOMMENDATIONS**

The Authority is recommended to: -

- (i) Note the new arrangements introduced to ensure compliance with the Hazardous Waste Regulations 2005.
- (ii) Approve the recommendation that the Authority joins the National Household Hazardous Waste Forum.

**Signed by Head of Waste Strategy  
& Contracts**

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**Date:**.....

## **1.0 INTRODUCTION.**

- 1.1 On July 16 2005 new two new pieces of legislation controlling the management of hazardous wastes (formerly “Special Wastes”) were enacted in UK legislation. These are the Hazardous Waste Regulations 2005 and the List of Wastes Regulations 2005. These regulations replace the Special Waste Regulations 1996.
- 1.2 Essentially the same wastes that were “special” are now classified as “hazardous” after 16 July 2005 and some wastes that were not “special” before are now captured in the regime and are to be treated as Hazardous wastes.
- 1.3 Additionally there is now a requirement for waste producers that generate more than 200 kilograms of hazardous waste in a year to register with the Environment Agency.
- 1.4 Other changes to the previous regime are revised notification procedures affecting the transport of waste and the removal of the requirement to pre-notify the waste transfer.

## **2.0 A NEW DEFINITION OF “HAZARDOUS WASTE”.**

- 2.1 Hazardous waste is defined as any waste listed as “hazardous” in the *List of Waste Regulations 2005* or any batch of waste classified as hazardous by the Secretary of State or the Regional Assemblies.
- 2.2 The Environment Agency provides further guidance on assessing wastes and hazardous classifications for waste producers who have specific questions.
- 2.3 Domestic waste may also be hazardous waste if it has hazardous properties. For the purposes of the regulations domestic waste is defined as “waste from accommodation used purely for living purposes (and without commercial gain) and which is disposed of via the normal mixed domestic refuse collection.” It should be noted that this definition is not the same as the definition of “household waste” used in other legislation.
- 2.4 Domestic hazardous waste is excluded from the controls in the regulations unless it is separately collected or it contains asbestos.

- 2.5 Prescription-only medicines (POMs) will only be hazardous waste if they are cytotoxic or cystostatic. This is a relaxation of the controls as previously all POMs were classified as “Special Waste”. Clinical waste is hazardous waste if it is classified as Hazard H9 – infectious. This is not expected to have any major effect on the collection of clinical wastes by the constituent Boroughs but should be noted as a change to the Regulations.
- 2.6 Radioactive wastes are covered by the Regulations if they are exempt from the Radioactive Substances Act 1993 and have other hazardous properties. This type of waste is rare but may include scintillation fluid from radiography departments in hospitals.
- 2.7 Wastes that are now classified as “hazardous” but were not “special” include fluorescent tubes, televisions, computer monitors, “undepolluted” end-of-life vehicles, dental amalgam.

### **3.0 REGISTRATION OF PREMISES PRODUCING HAZARDOUS WASTE.**

- 3.1 Any premises where more than 200 kilograms per annum of hazardous waste is produced must register with the Environment Agency. There is a registration fee of £18 to £28 depending on volumes produced. Any premise that produces less than 200 kilograms of hazardous waste per annum is exempt from this requirement. Exempt premises include households, shops, farms, surgeries and places collecting Waste Electronic and Electrical Equipment wastes (WEEE). Additionally ships can produce an unlimited quantity of hazardous waste without the requirement to register.

For guidance, 200 kg =    10 small TVs  
                                  14 lead acid batteries  
                                  500 fluorescent tubes  
                                  5 small domestic fridges

- 3.2 Many of the buildings managed by Boroughs and their contractors may need to register with the Environment Agency including Re-use and Recycling Centres, transport depots and large offices.

## **4.0 CONSIGNMENT NOTES.**

- 4.1 There is no longer a requirement to pre-notify the movement of hazardous wastes under the new regulations and there are new consignment notes which are different to the ones in use previously for Special Waste. As before, the Environment Agency will levy a charge for each consignment note raised.

## **5.0 SEPARATELY COLLECTED DOMESTIC WASTES**

- 5.1 The Boroughs' domestic refuse collection services include ordinary regular refuse collections and separate bulky refuse collections. Televisions, computer monitors and fridges and freezers are separately collected bulky items that are classified as Hazardous Waste and fall under the controls of the Hazardous Waste Regulations.
- 5.2 Fluorescent lighting tubes and car batteries are not usually separately collected and therefore do not fall under the controls of the regulations. However, where provisions for recycling are provided by the boroughs at Re-use and Recycling centres, or where these are collected separately, the individual boroughs have arrangements to process them appropriately.

## **6.0 W.E.E.E. LEGISLATION**

- 6.1 In August the Government announced that the collection and recycling of waste electronic and electrical equipment (WEEE) will be the responsibility of manufacturers and retailers of the equipment from June 2006. The Government has postponed the implementation date for the WEEE Directive until June 2006, from June 2005, in the light of the preparations needed for this legislation.
- 6.2 Local Authorities are able to register their licensed waste facilities as Designated Collection Facilities (DCF) with the Environment Agency. DCFs will be the only facilities from which the operators of the scheme will remove waste electrical and electronic equipment collected by the local authorities. The Authority does not have a facility of its own that it can register as a Designated Collection Facility for the purposes of the WEEE legislation, but has, however, made enquiries to the Environment Agency with the view of registering the Edmonton Ecopark on behalf of LondonWaste Ltd.

- 6.3 In respect of separately collected hazardous household waste, such as television and computer screens, see section 7.2, it may become the situation that the Authority's current arrangements for disposing of these items may become redundant if the items are to be collected from DCFs. This situation will be kept under review

## **7.0 COMPLIANCE WITH THE REGULATIONS**

### **7.1 Fridges & Freezers**

7.1.1 The disposal of fridges and freezers has been subject to the Ozone Depleting Substances Regulations since December 2002, when they were classified as Special Waste. Their re-classification as Hazardous Waste has not placed any further burden on the Authority in terms of disposal requirements. However, the new regulations have required a change to the new Hazardous Waste Consignment Notes.

7.1.2 Fridges and freezers are delivered to the Bulky Waste Recycling Facility at the Edmonton EcoPark. LondonWaste Ltd has applied to the Environment Agency for a new site licence to reflect the new circumstances, and this is progressing satisfactorily. Units are disposed by EMR Ltd in Willesden or Light Brothers in Lewes, and consignment notes are written for each load taken for processing.

### **7.2 Television and Computer screens**

7.2.1 The Authority has set up a six month trial scheme in five boroughs, commencing August 2005. Residents are able to deliver screens to Re-use and Recycling centres in four of those boroughs. Screens collected as bulky waste are either taken to Re-Use & Recycling Centres or waste transfer stations. Of the two remaining boroughs, one is contractually obliged to use LondonWaste Ltd, who operates their reuse and recycling centre, for the disposal of screens arising there, and the other has made its own arrangements. The Authority has entered into a temporary agreement with Sims Metals, based in Stratford-upon-Avon. Units are collected by Ozone Recycling and consignment notes are written at each location units are collected from.

7.2.2 The contractor collects screens from the five boroughs on a weekly cycle, or as often as is required when the number to be removed is sufficient to ensure a full load. The disposal of screens is charged at £6.10 per screen with an additional charge of £7.00 per consignment note, one per collection. The overall cost of the trial scheme will be kept under review and may be put out to competitive tender in due course, depending on the provisions made by WEEE. In the first two months of the trial, 1,837 screens were collected from the five boroughs at a total cost of £11,200.

7.2.3 Authority officers are keeping the trial scheme under review to ensure collections are made promptly and in accordance with the regulations. Other transport companies may be used if current arrangements prove to provide unsatisfactory performance.

### **7.3 Waste Transfer Notes and Licences**

7.3.1 The Authority has arranged for Annual Waste Transfer Notes to be signed by all parties for these newly controlled waste streams. Waste Management Licences for the relevant companies are held on file.

## **8.0 NATIONAL HAZARDOUS HOUSEHOLD WASTE FORUM**

8.1 The National Hazardous Household Waste Forum is a membership organisation representing industry, retailers, local government, trade associations and consultants with a direct interest in the issues surrounding Hazardous Household Waste. The Forum offers members a unique opportunity to be kept up to date about new legislation and to hear of the latest developments in Hazardous Household Waste management, developing ways of managing hazardous household waste ahead of legislative deadlines. The annual cost of membership for local authorities is £130.

8.2 It is recommended that the Authority becomes a member of the Forum.

## **9.0 COMMENTS OF THE FINANCIAL ADVISER**

9.1 Based upon a monthly collection rate of 1,000 television and computer screens the cost of the six-month trial arrangement is estimated to be £37,000, i.e. a net additional cost of c. £31,000 over the cost of disposal prior to the July change in the hazardous waste regulations. The additional cost in 2005/06 is therefore estimated to be £41,000 and £62,000 in a full year.

9.2 Although the 2005/06 budget makes no allowance for the additional cost this increase can be met from the budget saving previously negotiated with LondonWaste Ltd for the safe treatment and disposal of fridges and freezers as from 1 April 2005.

## **10.0 COMMENTS OF THE LEGAL ADVISER**

**10.1** The Legal Adviser's comments are incorporated in the report.

## **11.0 RECOMMENDATIONS**

- 11.1 The Authority is requested to note the new legislation and the operational changes that have been introduced to facilitate the management of Hazardous Waste.
- 11.2 The Authority is recommended to become a member of the National Hazardous Household Waste Forum at a cost of £130.

### **Local Government Act 1972 – Access to information**

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