

The Hazardous Waste (England and Wales) Regulations 2005, (as amended by the Hazardous Waste (England and Wales) Regulations 2009).
The List of Waste Regulations 2005

Many everyday products such as fluorescent tubes, TVs, computer monitors and some paints and batteries are now classed as hazardous waste. If you are discarding such products or use chemicals or other products with hazard symbols or safety data sheets then read on.....

This document provides information about changes to the controls on hazardous waste that apply in England. Hazardous wastes have been subject to the Hazardous Waste Regulations since 16 July 2005. **From 6 April 2009**, new requirements apply to the notification requirements under the Regulations. Please see page 6 below for more information about this change. **The guidance also clarifies the asbestos and separate domestic fractions provisions of the Regulations.**

You need to know about the Regulations if you produce, dispose of, carry or receive hazardous wastes. This includes hazardous wastes going to storage, treatment, recycling or disposal.

These Regulations do not apply to the disposal of mixed municipal waste from a domestic property. However, where asbestos waste is produced at domestic premises, a contractor who is engaged to deal with the waste is subject to the

Regulations; but the Regulations do not apply to a person who engages a contractor at the premises.

Also where hazardous waste is placed for a collection by a householder separately to mixed municipal waste (e.g. a TV placed next to the mixed municipal waste receptacle) or delivered separately by a householder to a civic amenity site or Household Waste Recycling Centre, the Regulations apply. The 2009 amendment Regulations clarify that Part 4 of the Regulations, which prohibits the mixing of hazardous waste without a permit, applies from the point that the waste is collected from the domestic premises or delivered to the civic amenity site/Household Waste Recycling Centre. It must not therefore be put back into the mixed municipal waste. Consignment note requirements do not apply to the initial movement of hazardous waste from domestic premises to premises for collection, disposal and recovery, but from that point on all the requirements of the Regulations apply and the establishment or undertaking that accepts the waste is considered to be the producer. The Regulations do not place any obligations on the householders themselves.”

The controls:

- define hazardous waste;
- describe how to notify premises producing hazardous waste to the Environment Agency;
- describe the form (consignment note) you must use before you can get rid of hazardous waste;
- set out procedures for multiple collections of hazardous waste;
- describe the form (consignee return) that those receiving waste must complete and send to the Environment Agency;
- describe the return the consignee has to make to the producer;
- describe the records that must be kept;
- set fees for premises notification and consignments;
- restrict mixing of wastes;
- set out the penalties for not complying with requirements (including Fixed Penalty Notices).

What is waste?

“Waste” is “...any substance or object...which the holder discards or intends or is required to discard.” Whether or not a substance is discarded as waste must be determined on the facts of the case and in light of judgments issued by the European Court of Justice and our national Courts. It is not possible for the Government to say whether any particular substance, in any particular circumstances, is discarded as waste. Therefore, there is **no definitive list of what is and is not waste.**

More general information on the definition of waste can be found on the Defra website at <http://www.defra.gov.uk/environment/waste/topics/index.htm>

What are hazardous wastes?

These are the most dangerous wastes. They can cause the greatest environmental damage or are dangerous to human health. These wastes are listed in the List of Wastes (England) Regulations 2005 and marked with an asterisk. Some common hazardous wastes are listed on page 9. These include some everyday items such as fluorescent tubes, TVs and computer monitors.

What happens if my waste is hazardous?

You may need to notify your premises annually to the Regulator. The 2005 Regulations required that most premises producing hazardous waste be notified. There were some exceptions and premises such as offices, shops, farms, schools/colleges, prisons, residential and nursing homes, hospitals, dental, veterinary and other medical practices, premises used by charities and places used for the purpose of collecting waste electrical and electronic equipment did not need to notify if they produced less than 200kg of hazardous waste in any 12-month period. However, all other premises did need to be notified, even if they produced less than 200kg of hazardous waste. We have amended this provision so that from April 6 2009 all premises producing less than 500 kilograms of hazardous waste in any 12-month period will not have to notify to the Environment Agency.

If you do produce more than 500kg of hazardous waste at your premises in any 12-month period and you do not notify, you will be committing an offence as will anyone who removes hazardous waste from your premises.

Who is the Regulator?

The Regulator for England and Wales is the Environment Agency.

Why do I need to notify?

The Environment Agency needs to know who produces hazardous waste so that it can inspect their premises at appropriate intervals to ensure that hazardous waste is properly handled – protecting the

environment and preventing harm to human health.

How do I notify?

You need to provide the Environment Agency with a certain amount of information about your premises. You may notify by using a paper form, by phone or electronically by e-mail, disk or internet. If you prefer, you may ask your waste management contractor or another third party to notify on your behalf (although remember that you are responsible for ensuring the information is correct). You need to pay a fee for each notification you make. The fee is needed to help the Agency meet the costs of processing the notifications and inspections. The fee varies according to whether you notify electronically, by phone or on paper. The fees are set in the Regulations as:

£18 for each set of premises notified electronically;
£23 for each set of premises notified by telephone;
£28 for each set of premises notified in writing.

In future years and following consultation, fees will be set by an Environment Agency charging scheme.

What happens if I produce hazardous waste at more than one set of premises?

Normally, you need to notify each individual premises. However, where you operate a mobile service (such as a vehicle breakdown service, plumbing, road sweeping etc) that visits premises that you do not own or occupy you may notify the premises from which you run the service or your principal place of business, as long as you produce less than 500kg of hazardous waste at each premises you visit.

How do consignment notes work?

The requirements for consignment notes vary depending on whether a single consignment of hazardous waste is moved from a single set of premises or whether consignments are collected from several premises during a single journey.

Single Consignment

If I want to get rid of waste?

You are the **producer/holder**

Before any hazardous waste leaves the premises, you need to ensure that parts A and B of a consignment note are completed. Sufficient copies of the note must be prepared to allow the producer/holder, the consignor (if different), all carriers and the consignee to each have a copy. If the waste is being moved to Scotland or Northern Ireland, you need two additional copies – one to pre-notify the Regulator in that area and the other for the consignee there to send to the Regulator on

receipt of the waste. If you prefer, you may ask the person who is collecting the waste to complete the notes on your behalf. However, the responsibility for ensuring that these parts of the note are completed correctly rests with you. If your waste is being moved to Scotland or to Northern Ireland, you (or the person moving the waste) need to send one copy to the Regulator for that area to prenotify. (The Regulator for Scotland is the Scottish Environmental Protection Agency and that for Northern Ireland is the Environmental Heritage Service). This must be done at least three clear working days before the waste is moved and is called pre-notification. If your waste is being moved to a facility within England or Wales, you do not need to pre-notify the Environment Agency.

Part A of the note requires a consignment code. The producer will generally allocate these codes (although the consignor may do so in some cases). The codes must be unique for each movement of hazardous waste and be devised on the basis of a formula issued by the Environment Agency. For more information on this, you can phone the Environment Agency on **08708 506506** or look at their web-site at <http://www.environment-agency.gov.uk/business/topics/waste/32180.aspx>

Once Parts A and B of the note are complete and the Scottish Environmental Protection Agency or the Northern Ireland Environmental Heritage Service notified if appropriate, you should pass all copies to the waste carrier, who must complete part C. The consignor (the person who is

causing the hazardous waste to be removed) must sign Part D. If you are consigning the waste yourself, you must sign Part D and keep one copy of the note before passing the remaining copies to the carrier. If you are consigning hazardous waste, but are not the producer or holder (possibly because someone else has asked you to do this on their behalf), you need to keep a copy of the consignment note for your own records in addition to giving a copy to the producer/holder.

If I am moving the waste?

You are the **carrier**

Before you move the waste from the premises, you must check the information given in parts A and B of the consignment note. If the details are not correct, you and the consignor should both agree any changes. These changes should only be minor – it would be sensible to prepare a new consignment note if there are major changes to the details. Once you are happy that the details are correct, you must complete part C of the note. Once the consignor has signed part D and copies of the note been given to the producer/holder and consignor, you must ensure that the remaining copies of the note (normally there will be two remaining copies, but there will be more if there is to be more than one carrier or the waste is being moved to Scotland or Northern Ireland) travel with the waste and are given to the person accepting the waste. That person (the consignee) completes Part E and must give you a copy of the completed note, which you must keep.

If I am receiving the waste?

You are the **consignee**.

You must sign the copies of the note given to you by the carrier to say that you have accepted the load and that you are authorised to manage it properly. Return one copy to the carrier and keep one for yourself.

What happens if more than one carrier moves the waste?

Where there is more than one carrier, the consignor must prepare a copy of a further schedule (the Schedule for Carriers) for each carrier. When waste is passed to a further carrier, the new carrier must complete their part of this schedule and pass a copy back to the previous carrier, which they must keep. The final carrier must pass a copy of the schedule to the consignee.

Multiple Collections

What happens if I am a carrier collecting more than one load of hazardous waste on the same journey?

If you are collecting more than one consignment of hazardous waste during a journey, each consignment is collected from different premises in England (and Wales) and you are taking them to the same consignee, you may choose to use procedures for **multiple collections**.

You need to prepare two copies of the multiple collection consignment note, plus one for each producer/holder that hazardous

waste is to be collected from (and for each consignor if different) and complete Parts A and B on each. Before waste is collected from each set of premises, the producer/holder needs to complete the Annex to the form with details of their own consignment. The consignor and carrier both need to sign declarations on this Annex and the carrier needs to leave completed copies of the note with the producer (and the consignor if different).

After collecting the last consignment on the journey and before delivering the waste to the consignee, the carrier must complete their part of Part C of the note, which gives summary information about each consignment collected. On delivery to the consignee, both copies of the note (including the Annex) must be passed to the person receiving the waste. You must ensure that person completes the note and passes a copy back to you, which you must keep.

What happens if I receive waste consigned under the multiple collection procedures?

You need to complete your part of Part C on both copies of the note and sign Part D to show that you have accepted the waste and are authorised to manage it properly. You must keep one copy of the completed note and pass one copy back to the carrier.

Reporting Requirements for All Consignees

If you are receiving hazardous waste, you are required to make a **return to the producer, holder or consignor** and a **consignee return** to the Environment Agency.

Consignee Return

You need to make a quarterly return to the Environment Agency giving information on all the consignments of hazardous waste received during the quarter. The format of these returns is determined by the Environment Agency and further information can be obtained from the Environment Agency on **08708 506506**. Returns must be made within a month of the end of quarter in which you received the waste, as set out in the table below:

<i>Quarter in which the hazardous waste was received, or deposited as the case may be</i>	<i>Return to be received by the Agency not later than</i>
Ending on 31 March	30 April in the year the quarter falls
Ending on 30 June	31 July in the year the quarter falls
Ending on 30 September	31 October in the year the quarter falls
Ending on 31 December	31 January in the year immediately following the year in which the quarter falls

The returns can be made electronically or on paper.

The Agency will charge you a fee for each consignment recorded on the quarterly return. This fee helps the Agency meet the costs of supervising hazardous waste movements. You may recover these fees from those who consigned the waste to you. The fee varies according to whether the return is made electronically or on paper and whether the consignments included on the return were made individually or as part of a multiple collection. The fees have been set in the Regulations as:

£10 for each multiple collection consignment shown on a paper return;
£19 for each individual consignment shown on a paper return;
£5 for each multiple collection consignment made on an electronic return; and
£10 for each individual consignment shown on an electronic return.

In future years, the Environment Agency will set fees following consultation via an Environment Agency charging scheme.

What happens if I dispose of my own hazardous waste at the site of production?

You may only dispose of your own hazardous waste if you are properly authorised to do so. In these cases, you still need to make a quarterly return giving details of the waste disposed of at the premises to the Environment Agency and to pay the appropriate

fee. The format of the return is determined by the Environment Agency and further information can be obtained by telephoning them on **08708 506506**.

Return to Producer, Holder or Consignor

You must make a return to the producer, holder or consignor within one month of the end of the quarter in which you received the waste to confirm that you have received it. This return can consist of either the form set out in Schedule 8 to the Regulations or a copy of the consignment note.

OTHER MATTERS

Can I mix hazardous wastes?

Mixing hazardous waste can be harmful to the environment and discourages the recycling of some materials. The Regulations prohibit the mixing of different categories of hazardous waste or the mixing of hazardous waste with non-hazardous waste or other substances and materials by anyone (including the producer), unless the mixing is authorised by a permit or exemption. If you want to mix wastes of a similar composition you should check with the Environment Agency to see whether your activity constitutes mixing for the purposes of the Regulations. The Agency can be contacted by phoning them on **08708 506506**.

What about the Duty of Care?

The Environmental Protection (Duty of Care) Regulations 1991 place obligations on those producing waste to ensure that any waste they produce is handled safely and in accordance with the law. All the duty of care requirements apply, but the consignment note replaces the duty of care transfer note. Under the duty of care you must give a good enough description to enable your waste to be safely managed. Most hazardous waste needs a very clear description. Waste must always be transferred to an authorised person e.g. a registered carrier or a licensed waste manager or a person exempt from that requirement. Remember that transport, health and safety and other safety legislation may also apply.

What records must I keep?

Producers and consignors must keep a register of consignment note copies and any schedule of carriers and returns from consignees for three years. Carriers must keep copies of consignment notes and any schedule of carriers for twelve months. Consignees must keep copies of consignment notes and the schedule of carriers until they surrender the licence for the site they manage, when the registers should be sent to the Environment Agency.

Where can I get the consignment notes?

You can download copies from the Environment Agency's website. Alternatively, you can buy paper copies from the Agency. Users and commercial suppliers are also free to produce their own consignment notes, but the general layout and wording need to be followed.

Are there fines for breaking the rules?

Yes – if a Magistrates court convicts you of not complying with the Regulations, you could face a fine of up to £5,000 and/or two years in prison. The Environment Agency is also able to issue fixed penalty notices for £300 for some more minor offences. More serious offences may be tried in the Crown Court where there is no limit on the level of fines, which can be imposed.

Hazardous Wastes and transport of dangerous goods

If you are moving hazardous waste by road, you need to consider whether it may be subject to requirements for the transport of dangerous goods. Not all hazardous waste will be considered as dangerous for transport purposes, but many substances such as pesticides are likely to be. Transport is subject to separate legislation from the waste regulations. You do not need a special permit for transport

of dangerous goods as such but there may be aspects such as training

that require the keeping of documentation. Dangerous goods are classified according to what kind of risk(s) they pose: ADR, the main document determining how dangerous goods should be carried by road, has a section on the criteria for deciding what kind of danger -if any- a substance or article presents. See the list "*For more information and contacts*" at the end of this guidance."

Lists of typical hazardous wastes

Acids
Alkaline solutions
Batteries
Oil fly ash
Industrial solvents
Oily sludges
Pesticides
Pharmaceutical compounds
Photographic chemicals
Waste oils
Wood preservatives
TVs
Computer monitors
Paint
Fluorescent tubes.

FOR MORE INFORMATION AND CONTACTS

Defra provides information on waste legislation at www.defra.gov.uk

Hazardous Waste – procedures and advice on what waste is Hazardous

The List of Wastes (England) Regulations 2005 No. 895

Available from TSO price £6.50
ISBN 0-11-072684-7

The Hazardous Waste (England and Wales) Regulations 2005 No. 894

Available from TSO price £7.50
ISBN 0-11-072685-5

The Hazardous Waste (England and Wales) Amendment Regulations 2009 No.507

Available from TSO price £5.00
ISBN 978-0-11-147561-4

Hazardous Waste – Interpretation of the definition and classification of hazardous waste- Technical Guidance WM2

Available from the Environment Agency

www.hazardouswaste.org.uk - joint Government, Environment Agency, Envirowise and Industry web portal for general information on hazardous waste, landfill and the changes in legislation

Waste Management Licensing

The Waste Management Licensing Regulations 1994 SI 1994 No 1056

Available from TSO price £7.35
ISBN 0 – 11-044056-0
and

The Waste Management Licensing (Amendment)

Regulations 1995 SI 1995 No. 288

Available from TSO price £2.30
ISBN 0 – 11-052474

and

The Waste Management Licensing (Amendment No. 2) Regulations 1995 SI 1995 No. 1950

Available from TSO price £1.10

ISBN 0 – 11 – 053281 – 3

and

The Waste Management Licensing Regulations

1996 SI 1996 No. 634

Available from TSO price £1.55

ISBN 0 – 11 – 054324 – 6

and

The Waste Management Licensing (Amendment)

Regulations 1996 SI 1996

No. 1279

Available from TSO price 65p

ISBN 0 – 11 – 054705 – 5

and

The Waste Management (Miscellaneous Provisions)

Regulations 1997 SI 1997 No. 351

Available from TSO price £1.10

ISBN 0 – 11 – 063906 – 5

Waste Management Licensing (Amendment)

Regulations 1997 SI 1997 No. 2203

Available from TSO price £1.10

ISBN 0 – 11 – 064899 – 4

Waste Management Licensing (Amendment)

Regulations 1998 SI 1998 No. 606

Available from TSO price £1.10

ISBN 0 – 11 – 065738 – 1

The Waste Management Licensing

(Amendment)(England)

Regulations 2002 SI 2002 No. 674

Available from TSO price £1.50

ISBN 0-11-039676-6

The Waste Management Licensing

(Amendment)(England)

Regulations 2003 SI 2003 No. 595

Available from TSO price £2

ISBN 0-11-045722-6

Duty of Care – applies to everyone handling waste

Waste Management, The Duty of Care A Code of Practice

Available from TSO price £7.50

ISBN 0 – 11 – 753210 – X

Transport Regulations – advice about moving dangerous goods

ADR (Accord Européen Relatif au Transport International des Marchandises Dangereuses par Route) 2005:

<http://www.unece.org/trans/danger/publi/adr/adr2005/05ContentsE.htm>

ISBN 92-1-139097-4, available from the TSO price approx £110.

Guidance on the ADR and other transport regulations:

<http://www.dft.gov.uk/roads/dangerousgoods>

You can buy copies of any TSO publications from TSO bookshops in London, Birmingham, Bristol, Manchester, Cardiff or Edinburgh. You can also order by telephone on: 0870 600 55 22 (queuing system in operation). Many publications can be downloaded from the HMSO website at <http://www.hmso.gov.uk> You can get copies of Health and Safety Executive

Publications from:
Health and Safety Executive (HSE) Books
PO Box 1999
Sudbury
Suffolk
CO10 6FS
Tel: 01787 881165
Fax: 01787 313995
<http://www.hse.gov.uk>

Environment Agency publications can be obtained from:

Environment Agency
Rio House
Waterside Drive
Aztec West
Almondsbury
Bristol
BS32 4UD
Tel: 01454 624400
Fax: 01454 624409
<http://www.environment-agency.gov.uk/>

businesses, tailored by industry sector.

- **Environment Agency** - call 08708 506 506 or email enquiries@environment-agency.gov.uk

General contacts

- **Envirowise** offers small businesses a free and confidential "fastrack" waste minimisation audit – call the Environment and Energy helpline on 0800 585794 to find out more or visit www.envirowise.gov.uk
- **www.netregs.gov.uk** – offering clear regulatory and good practice advice on environmental issues for small