

Hazardous Waste in England, Northern Ireland and Wales

Changes to the Regulation of Hazardous Waste

On 16 July 2005, new controls on Hazardous Waste came into force in **England, Northern Ireland** and **Wales**. These replace the previous Special Waste regime. The main differences between the two regimes include the following:

- 'Special Waste' is now called 'Hazardous Waste'.
- More waste is classed as Hazardous Waste than was classed as Special Waste: examples of 'new' Hazardous Wastes include fluorescent light tubes, televisions, end-of-life vehicles and dental amalgam.
- Only some prescription-only medicines are classed as Hazardous Waste. These are cytotoxic medicines (harmful to cell structure and function and which could ultimately cause cell death) and cytostatic medicines (inhibit or suppress cell growth or multiplication).
- In **England** and **Wales**, sites that produce Hazardous Waste must register their premises with the Environment Agency each year. This removes the need to pre-notify the Environment Agency of Special Waste movements. In **Northern Ireland**, you do not need to register with the Environment and Heritage Service (EHS), but you should continue to pre-notify the EHS of Hazardous Waste movements.
- The exemption of domestic waste rather than household waste. Domestic waste has a narrower meaning than household waste - it is waste from accommodation used purely for living purposes which is disposed of via the normal domestic refuse collection.

What is Hazardous Waste?

Hazardous Waste is so called because it has hazardous properties that may render it harmful to human health or the environment. Examples of wastes classed as hazardous include:

- asbestos;
- lead-acid batteries;
- electrical equipment containing hazardous components such as cathode ray tubes (eg televisions);
- oily sludges;
- solvents;
- fluorescent light tubes;
- chemical wastes; and
- pesticides.

The European Waste Catalogue (EWC) lists all wastes, grouped according to generic industry or process. Each waste type is allocated a six-digit code.

A waste is hazardous if it is classified as such in the EWC. Hazardous Wastes are identified in the EWC with an asterisk (*).

Some wastes are classed as hazardous outright. Other wastes require separate assessment to determine whether they are hazardous or not, depending on the amount of dangerous substances present above threshold concentrations.

The Environmental Regulators have produced guidance to help you determine if your waste is hazardous. Technical Guidance document WM2 contains a consolidated version of the

EWC and provides advice on the classification and assessment of Hazardous Waste. It is available for download from:

- [England and Wales - Technical Guidance WM2: Interpretation of the Definition and Classification of Hazardous Waste](#)
- [Northern Ireland - Technical Guidance WM2: Interpretation of the Definition and Classification of Hazardous Waste](#)

Information contained on the Safety Data Sheet that should accompany materials/chemicals received at your site will also help you to determine if your waste is hazardous. If you are in any doubt, contact your Environmental Regulator or a specialist waste management contractor.

Do Hazardous Waste Controls Apply to Me?

Most businesses are likely to produce some Hazardous Waste. They will need to ensure that their waste is dealt with appropriately. There are exceptions for:

- domestic waste (note however that asbestos waste, including that from domestic premises, is subject to control);
- explosives covered by the Explosives Act 1875;
- *agricultural waste;
- *mine and quarry waste; and
- most radioactive waste.

*The exceptions for agricultural, non-mineral mine and quarry waste are not expected to apply after September 2006, when new regulations come into force to extend the controlled waste regime to these wastes. Further information on the proposals is available in the Future Legislation pages.

- [Future Legislation](#)

What Do I Need to Do?

Your Environmental Regulator tracks the movement of Hazardous Waste through a consignment note system. This ensures that waste is managed responsibly from its point of origin until it reaches a suitably licensed or exempt facility to be recovered or disposed of. The waste producer must keep consignment notes for three years.

All businesses in **England** and **Wales** that produce Hazardous Waste must notify their premises by registering with the Environment Agency before they consign their Hazardous Waste. The Environment Agency will issue a unique registration code to the person making the notification. Some types of premises may be exempt from having to register if they produce less than 200kg of Hazardous Waste in any 12-month period. **If your premises are not exempt, you must register - even if your premises produce less than 200kg of Hazardous Waste.** Further details on how to register, and the exemptions, can be found by using the link below. **Note: if you are exempt from registering, you must still use a consignment note to accompany Hazardous Waste.**

- [England and Wales - Hazardous Waste Registration Page](#)

In **Northern Ireland**, you must pre-notify the Environment and Heritage Service (EHS) at least three working days, and not more than one month, before the Hazardous Waste is moved. This is done by completing a consignment note that must contain a unique code provided by the EHS. The consignment note must also include details of the premises and parties involved with the movement and an accurate description of the waste.

In **Northern Ireland**, certain types of Hazardous Waste movements are **exempt from pre-notification**. These include:

- the second and subsequent movements of the same type of waste moving from the same producer to the same disposal/recovery facility (where the first movement has been pre-notified and transported);
- Hazardous Waste moved between sites belonging to corporate bodies in the same group where that waste is to be stored prior to disposal/recovery, and where the site receiving the waste holds a suitable licence/permit/exemption to receive the waste;
- off-specification Hazardous Waste consisting of products or materials being returned to their originator; and
- consignments consisting solely of lead-acid motor vehicle batteries.

Note: these movements must still be accompanied by a consignment note.

Details of how the consignment system works across national borders within the UK is contained in guidance available on the Environment Agency website:

You must ensure that all Hazardous Waste is stored and transported with the correct packaging and labelling.

Landfill of Hazardous Waste

The 'co-disposal' of Hazardous Waste and Non-Hazardous Waste in landfill sites has been banned since July 2004. Each type of Hazardous Waste must now be disposed of at a landfill site that is authorised to accept it. Some landfill sites that are classified as non-hazardous may be able to take certain stable non-reactive Hazardous Wastes if they have appropriately engineered separate cells on site.

A landfill site authorised to accept Hazardous Waste will not automatically be able to take all types of Hazardous Waste. Different types of Hazardous Waste may only be accepted at a Hazardous Waste landfill if the licence or permit allows it, if certain waste acceptance criteria (WAC) can be met and if the landfill operator is prepared to accept it.

Hazardous Waste needs to be pre-treated before it can be landfilled. The treatment should take into account the limit values set by the landfill site's WAC. If after treatment the limit values of the landfill's WAC are exceeded, the waste will need to be further treated prior to acceptance for disposal at landfill. The Environment Agency has published detailed guidance on landfill acceptance requirements:

These changes are likely to influence the gate fees of landfill sites. You should contact landfill operators directly for an indication of how much you will be charged for landfilling your waste. Charges may vary from site to site.

For further information on landfill issues, please see the Landfill Management Guideline:

- [Landfill](#)

What Else Should I Consider?

Minimise Hazardous Waste production and review your waste management arrangements in accordance with the Duty of Care.

- [Duty of Care for Waste](#)

Explore possibilities for using alternative materials and practices that do not result in the production of Hazardous Waste, or that reduce its production at source. Envirowise can provide a free and confidential FastTrack waste minimisation review:

- [Envirowise FastTrack visit](#)

Store liquid Hazardous Waste in watertight containers in a dedicated, bunded area with adequate space to allow proper inspection and access. At least weekly, inspect for leaks, deteriorating containers and any other problems.

Provide your staff with specific procedures and training on how to deal with spills of the hazardous materials that you store on your premises. These should include instructions on what to do in the event of a spill, the type of personal protection equipment required and the correct route for disposing of contaminated clean-up materials.

Ensure that different types of Hazardous Waste are not mixed together. Do not mix Hazardous Waste with Non-Hazardous Waste or materials which are not waste.

Ensure that Hazardous Waste is transported by a registered or exempt waste carrier and is transferred to a facility authorised to accept that type of waste. The facility must hold a suitable Waste Management Licence or exemption, or a Pollution Prevention and Control permit. Please note that registered or exempt waste carriers will refuse to collect your Hazardous Waste if you do not have a valid premises code or an appropriate exemption.

- [Integrated Pollution Control \(IPC\) and Integrated Pollution Prevention and Control \(IPPC\)](#)
- [Waste Management Licensing](#)

Provide written instructions for storing and disposing of each type of Hazardous Waste produced on your premises. Ensure that all employees and contractors are provided with and follow these instructions.

Maintain an inventory of the Hazardous Wastes that you store, indicating where it is located on the premises, so that the emergency services will be able to deal with any incident effectively and safely.

Report fly-tipping or any other environmental crime to your Environmental Regulator.

Further Information

- [England and Wales - Environment Agency Hazardous Waste Position Statement](#)
- [England and Wales - Hazardous Waste Registration Page](#)
- [England, Northern Ireland and Wales - Hazardous Waste - Are you ready?](#)
- [Northern Ireland Action Plan for Sound Management of Hazardous Waste](#)
- [Northern Ireland - Environment and Heritage Service Northern Ireland Hazardous Waste Page](#)

IMPORTANT LEGAL NOTE

NetRegs contains simplified guidance based on complex and changing legislation, and does not constitute legal advice. Whilst we endeavour to keep it up to date, we cannot be held liable for errors and omissions; compliance with the law remains the user's responsibility. If you have concerns over compliance, you must seek professional advice, or contact your regulator or local authority.