

Waste Legislation Update

Batteries and Accumulators Regulations 2009

- Came into force 5th May 2009
- Affect manufacturers, importers, distributors, end users of batteries
- Also affect businesses who treat or recycle waste batteries & accumulators
- Affect Vehicle sales and maintenance businesses
- Requirements
 - All waste portable, industrial & vehicle batteries must be separately collected, treated and recycled
 - Producers of portable batteries must collect data on the amount placed on the market from 5th May 2009
 - If you place more than 1 tonne of portable batteries per year on market will have to pay for collection, treatment & recycling
 - Pay for proportion of market share, from 1st January 2010
 - Register with battery compliance scheme who will arrange collection, recycling & disposal on producer's behalf
- Portable battery sellers
 - From 1st February 2010 if you sell >32kg of household batteries, you must provide a free in-store take-back facility when they become waste.
- Industrial & Vehicle Battery Producers
 - Will have to register directly with BERR
 - Arrange a separate collection and recycling of waste batteries
 - All waste batteries must be delivered for treatment and recycling to approved operator
 - Disposal to landfill or incineration will be banned from 1st January 2010
- Battery Users
 - Users will be encouraged to separate waste batteries to help treatment and recycling
 - Will be kept informed by suppliers about collection and recycling schemes available.

Revisions to Duty of Care

- Consultation been undertaken to revise and update the Duty of Care requirements
- Will impact on waste producers, carriers, and management companies
- May also be implications for householders
- Waste producer
 - Handle and store waste safely
 - Know nature and properties of waste produced
 - Control waste and prevent causing harm
 - Only transfer to authorised waste carrier or manager
 - Have transfer note for all waste leaving site
 - Provide accurate description and all relevant information on handling, treatment & disposal

- If carrying own waste, ensure you are appropriately registered
- Transfer Notes
- Must Keep for 2 years & contain following information:
 - Signature of both parties
 - Quantity of nature of waste and how contained
 - Place, date and time of transfer (valid period if season ticket)
 - Names and addresses of both parties
 - EWC code and description
 - SIC code for your business
 - Adequate description of waste and any processes that it has undergone
- If you have season ticket transfer notes, it is good practice to keep logs of all the loads taken during that period
- Adequate Waste Description
 - Depends on nature and source of waste
 - Mention any treatment or sorting already done
 - What process has it come from
 - The nature of what is included
 - If unused or out of date raw material, include SDS
 - Mention any special problems associated with the waste
- Considerations
- A few things you need to consider...
 - Is special containment needed?
 - Does it need special handling or treatment?
 - Are the containers suitable and labelled correctly?
 - Are there any issues around mixing with other wastes?
 - Can it go to landfill? If so, how has it been pre-treated and if not why not?
 - Has it been segregated, composted or undergone any other process?
 - What materials have been removed?
 - Will it change state during storage, transfer (e.g. become gas or liquid?)
 - Are there any other issues? (e.g. smell, leachate etc)
- Authorise person
 - Check the waste carrier/ broker/dealer/ is licensed – get a copy of registration certificate & check against public registers
 - Obtain evidence that permit or exemption covers your type of waste
 - Get reference number of disposal site's Environmental Permit & check against the public registers – this can be done at the EA registers
 - Visit disposal site or transfer station to ensure waste is dealt with as claimed
 - Record any checks made
- Preventing causing harm
- As the producer of the waste you are responsible for anything foreseeable with waste at any stage in disposal process – you need to consider:

- Checking that waste has arrived at the intended destination (have a confirmation email sent, copy of weighbridge ticket)
- Checking waste is securely loaded before it leaves the site
- Monitoring carrier movements – have they been too quick to get the load to the intended site?
- Any evidence of fly tipping?

Waste controls (England and Wales) Regs 2009

- Came into force 6th April 2009
- Incorporated some of the issues previously mentioned
- Clarifies situation re: who needs to register as a waste carrier
- May need to register if carry own waste, but registration is indefinite
- Other carriers may need to renew registration
- Carriers = normally & regularly transport waste
- Also clarifies what needs to be in a transfer note