

Hazardous Waste Forum

Report of Fifth Meeting

**On 30 September 2003 at 9am in Room 7A/B, Ashdown House, 123
Victoria Street, London SW1**

Forum Attendees

Ray Alderton (Defra), Nick Bethel (Environment Agency), George Bingham (Chemical Recyclers Assn), Dick Boarder (Castle Cement), Colin Brown (ESA), Sylvia Channon (CBI), Paula Coopland (SEPA), Jonathan Davies (EIC - Enviro), Gev Eduljee (ESA), Sue Ellis (Chair - DEFRA), Elizabeth Hattan (Defra Legal), Roger Hewitt (CIWM), Stephen Horrax (Defra), Andy Howarth (Defra), Ian Mcpherson (UKPIA), Liz Parkes (Environment Agency), John Peters (The Construction Confederation), Sarah Paul (Defra), Alex Radway (CIA), Jaquie Russell (LGA), Anne Sachs (Defra Legal), Rita Singh (Construction Products Association), Allison Townley (DOENI), Mike Walker (ESA), Roy Watkinson (Environment Agency), Gill Weeks (ESA), Prof David Wilson (CIWM), David Wheeler (H J Enthoven).

Apologies from
Phil Russell (LGA), David Pocklington (British Cement Association),
Roger Creswell (Oil Recycling Association), Des Langford (DTI).

Meeting Summary

1. The meeting was principally concentrating on finalising the Action Plan, which is the key element of the advisory document and the treatment and capacity data compiled by the sub group.
2. The papers discussed throughout the meeting are available on the Defra Hazardous Waste Forum web pages:
<http://defraweb/environment/waste/hazforum/index.htm>

Minutes of last meeting

3. The minutes of the last meeting were agreed. The actions were picked up in subsequent discussion.

Draft Action Plan

Part 1 - Introduction & Key Issues (HWF 5.2)

4. The revised introduction and key issues incorporate an executive summary that includes a list of the high priority actions as per the outcome of the questionnaire that was sent to members and corresponding members.

5. In the light of comments on Part 1 of the document it has now been slimmed down, in particular a number of the subsidiary Regulation summaries be incorporated into the annex. The suggestion of a Commitment to Act has been removed from Part 1 and will be reflected in the work of Part 2 and the uptake of actions addressed in the Implementation Plan.

Part 2 - Objectives, Recommendations, Actions and Issues (HWF 5.3)

6. David Wilson, chair of the Strategic Framework sub group remarked on the many comments received on Part 2. As per Part 1 there were several requests for the action plan to be condensed and for certain recommendations and actions to be combined. Therefore the six sections have been built into four new sections, as follows:

Previous draft

1. Legislative Framework
2. Waste Regulation and Control
3. Communication, Waste Awareness and Data
4. Encouraging Hazardous Waste Reduction, Reuse and Recycling
5. Ensuring the Provision of Treatment and Disposal Capacity
6. Household Hazardous Wastes

Final draft

1. The Regulatory System (sections 1 & 2 combined)
2. Raising Awareness and Encouraging Hazardous Waste Minimisation
3. Ensuring the Provision of Recycling, Recovery, Treatment and Disposal Capacity
4. Further Developing the National Framework for Hazardous Waste Management

7. It was noted that the actions were heavy on Government, local authorities and the Environment Agency, and for balance there should be more actions on other stakeholders within the Forum. In previous drafts there had been more explicit actions on business, but the short timeframe for finalising the document made cross industry agreement difficult to achieve. Nevertheless the secretariat undertook to look again at the draft to see what might be amended. One area that would be better highlighted was the scope for voluntary target setting such as those of the Chemical Industries Association as already highlighted in the document. Elements of this approach have been integrated into action 4.2¹, with specific reference to

¹ 4.2 The Forum has considered the use of targets for hazardous waste reduction as an important means of driving and monitoring progress. However, the information required to set realistic and achievable targets is not currently available. Once the information is available, the Forum will recommend where and how specific targets might be introduced.

target setting and that the Forum will consider further once better data on arisings and facilities is available.

Impact on Local District Councils and Flytipping

8. The LGA commented on recommendation 1.3E² (Environment Agency and LAs to work together to combat illegal activity). In most cases it would be District Councils who would be involved with illegal activities and resources in these councils are stretched to capacity as it is. It was noted that without further expense these councils have not the ability to react in a way that is seen through the eyes of the recommendation.

9. The Chair noted that the Government are focussing their effort on flytipping via a Flytipping strategy, which is to be published towards the end of the month. It is taking forward a number of local environmental quality issues raised in *Living Places: Powers, Rights, Responsibilities* but also includes a range of other fly tipping proposals. Consultation is planned for Autumn 2003 on a package of measures as part of an overall strategy. Defra have included a range of primary legislative measures in Defra's bid for a 4th session Clean Neighbourhoods Bill. Several other proposals can be pursued through other means, details of which are included in the strategy.

Action: Secretariat to forward details of the consultation paper on fly-tipping strategy to the Forum members.

Action: Details of the strategy should be included in the comments and specific issues section of 1.3E

Treatment and Capacity Needs

10. The treatment and capacity sub group requested a piece of work on the capacity needed to treat hazardous waste to be carried out in light of changes to the hazardous waste list and the ending of co-disposal. The presentation and the model of arisings and capacity produced by the consultants is available on the Hazardous Waste Forum website. It has been designed such that all stakeholders can make their own assumptions on where certain waste flows will go for treatment – this is to be encouraged for those stakeholders who have specific knowledge on certain waste streams such as contaminated soils and oils.

11. It was noted that minimisation will play an important part in the reduction of hazardous waste, however addressing this in the data would, at this point, be guesswork and thus not be incorporated into the model at this

² 1.3E The Environment Agency and local authorities should enhance their working relationships to monitor and where necessary detect, deter and disrupt illegal and unlicensed activities, particularly in the transitional period following the implementation of the new control regime.

stage. Further precise work on the impact of minimisation should be completed by specific industries as part of their assumptions on the model.

Action: Forum and Corresponding Members are encouraged to use the model to include their informed judgements on assumptions for treatment and capacity needs and forward these and conclusions to the Secretariat.

12. In the subsequent discussion it was highlighted that contaminated soils are a key issue when studying hazardous waste data, as their volume once stabilised is significant. Yet there could be straightforward solutions for their mitigation, such as bioremediation and greater segregation at source. It was requested that further work be carried out to reflect the capacity needs without the influence of contaminated soils by way of a sensitivity analysis, which may provide a more accurate picture.

13. One issue is that key facilities have to be on line by July 2004. The diagram outlines that there is potential capacity – over one million tonnes using existing resources.

14. A large volume of the stabilised wastes will be able to go to non-hazardous landfill sites in separate cells, however data on separate cells has not yet been accurately identified. The waste management industry is best placed to provide this information, and it is envisaged that this will form further work and be followed up as part of the implementation of the document.

Action: Secretariat will reflect the input of the treatment and capacity work into the two parts of the Action Plan.

Planning

15. Hazardous waste planning was an issue raised due to recommendation 3.1³, as it was stated that the recommendation could be perceived as meaning a need for a UK National Plan for hazardous waste facilities. Rather than red lining sites on a map, the intention was to highlight critical areas in England that would 'geographically' need treatment facilities and therefore assist in planning and development decisions.

16. Recommendation 3.2a, which refers to a statement on planning and permitting systems was discussed in terms of who will be making the statement. The need for ODPM to be involved was raised and also the need

³ 3.1 A statement of national needs should be prepared for the hazardous waste recycling, recovery, treatment and disposal capacity, which needs to be developed in the short and medium term, to meet the requirements of the new regulatory control regime. The statement should, as far as practicable, indicate the types or facilities required and their regional distribution, and should be prepared by either Government or the Forum.

from Defra and the Forum to be communicating with planning case work teams in ODPM as well as planning policy makers.

17. Although the need for clarity and certainty on WAC is clearly needed for investment decisions, it was agreed that the Forum should carry out further work on better data with regards to treatment and capacity. A task force will be set up primarily to monitor and marry up the need for treatment facilities in light of the emerging data on arisings. The task force will evolve into contingency planning as the picture will become clearer with more data sets emerging.

18. Draft terms of reference for the task force will be emailed to the Forum and Corresponding members in due course.

Action: Secretariat to draft Terms of Reference for a Treatment, Disposal and Planning Task Force

Action: Members with an interest in participating on the task force should email the secretariat.

Future Work of the Forum

Advisory Document Implementation Plan

19. In order to ensure that the actions of the advisory document are followed through an implementation plan is being drafted. It was requested that a time management plan (similar to that of a Gantt Chart) be drawn up by the Secretariat as part of the implementation plan to illustrate the timings of the actions with the corresponding lead organisations.

Action: Secretariat to circulate draft Implementation plan incorporating a time line chart.

Document Sign Off Procedure

20. The Action Plan will be submitted to Defra Minister as advice from the Forum, from there the Minister will need to decide how to respond. Options include the inclusion of a foreword within the document and/or a formal Government response. Either way Ministers will want to take receipt of the Forum's advice and ensure actions are followed up and that sufficient publicity is given to the issues.

Household Hazardous Waste

21. The latest recommendations on household hazardous waste had been rationalised from the previous draft. The Forum had not had an opportunity to discuss the issues in detail and this could be picked up at the end of the year.

It was noted that the Forum should gain closer links with the good work of the Household Hazardous Waste Forum (see presentation given in meeting 3). The Forum would not want to duplicate existing work but it would be beneficial to be fully tapped into their outputs, therefore closer links should be established.

Focus on France

22. Gev Eduljee (SITA and ESA) presented a case study on the comparisons between the UK and France and the lessons that the UK could learn from French developments.

The possible lessons were:

- Legislation supported by all requirements (acceptance criteria, test procedures, etc) followed by clear timetable for implementation (2-3 years).
- Government engagement with generators, (especially with SMEs) to inform/assist with transition from low cost (landfill) to higher cost (treatment) management.
- National/regional planning, together with streamlined planning/permitting procedures.
- French system has taken many years to develop. No magic fixes for the UK for 2004/5.

The presentation is on the Hazardous Waste Forum website.

Legislation Update

Landfill Directive and interpretation of the Regulations

23. Defra and the Environment Agency are jointly producing an interpretive note, which will be available in November. Please note that this will give guidance on how Defra and the Environment Agency interpret the regulations and not the law.

Action: The Secretariat will provide a draft of the guidance before publication

Hazardous Waste Regulations Update

24. Defra's legal advisor Anne Sachs presented on the draft Regulations – on the need for the new regulations, and the key changes that will affect stakeholders. The presentation is on the Forum web site.

25. CIWM commented that the regulations must provide the opportunity to close the loopholes in the chain of waste management – for example at the waste transfer stations. Defra and the Environment Agency commented that the controls are consistent with the requirements of the Waste Framework Directive and Hazardous Waste Directive, which required the tracking of waste from producer to permitted facility. CIWM considered that this was not good enough and that tracking should be continuous from producer to final disposal. Defra confirmed that the regulatory aspects of the regulations included the ending of the pre-notification to the Agency before hazardous waste could be moved, that a quarterly consignee return recording all waste movements for the preceding quarter was to be sent to the Agency, instead of each and every consignment note as at present.

Regulatory Impact Assessment

26. The RIA will be published alongside the consultation document of the Hazardous Waste Regulations.

Next Meeting

27. The date of next meeting will be the beginning week in December – the date is to be confirmed by the Secretariat.

Summary of Actions

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Action: Details of the strategy should be included in the comments and specific issues section of 1.3E

Action: Forum and Corresponding Members are encouraged to use the model to include their informed judgements on assumptions for treatment and capacity needs and forward these and conclusions to the Secretariat.

Action: Secretariat will reflect the input of the treatment and capacity work into the two parts of the Action Plan.

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