

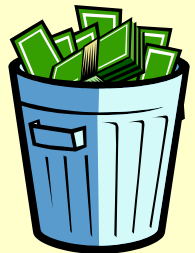
New Hazardous Waste Regulations



Tuesday 30th September 2003

We need new Hazardous Waste Regulations because....

- **standards in legislation have changed**
 - **we need to.....**
 - follow the concepts in the Directive
 - ensure that each provision is accurately transposed
 - provide an audit trail
- **the Commission has brought infraction proceedings**
 - **we need to.....**
 - end the infraction
 - avoid future infraction proceedings
 - make sure the UK does not have to pay fines



Drafting new Regulations has taken some time because

- we have been building the legal team
- policy and drafting take time
- this is a completely new implementation. It should
 - stand for a legislative generation
 - fit in with the waste permitting review
 - be scoped correctly following Avesta Polaris
- we have a heavy programme of drafting and infractions



The team now has a full complement...



Anne Sachs moved
from DTI Sep 02



Simon Croft returned
from FSA Oct 02

Simon Parker came
from another DEFRA
team in June 03



Nick Robson came
from another DEFRA
team in Aug 03

Legal A7

Vanessa Cole
returned from maternity
leave in July 03



Julia Farthing is on
loan from the Agency
Nov 02 - Nov 03



Elizabeth Hattan
joined from City
practice in Feb 03



Gavin Hodgett
was loaned from
ODPM in Sep 03

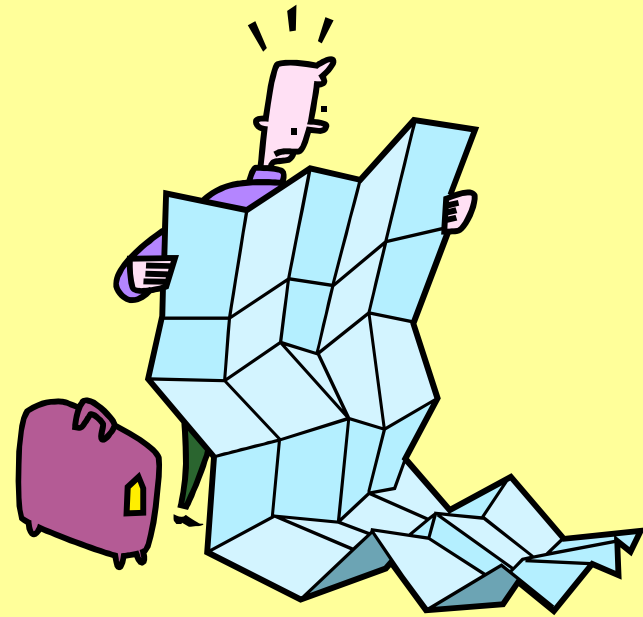
Cathie Johnson has
been supporting the team
since June 03



So what's different?

Some key changes affecting stakeholders

- what is hazardous waste
- updates with the List of Wastes
- those affected to have six months to apply for review/licence
- mixing to need a licence
- producers to register premises
- consignee/producer quarterly returns
- emergencies and grave dangers



What is hazardous waste?

The following changes will remedy the infraction -

- all wastes listed in the List of Wastes as hazardous
- just one Annex III property will make waste hazardous
- exemptions for wastes outside the Waste Framework Directive to follow strictly width of Article 2
- domestic waste is out. It is no longer defined – the Commission said we had defined it too narrowly
- a waste the Secretary of State considers has an Annex III property is to be hazardous (Commission then reviews whether to put it in the List of Wastes)



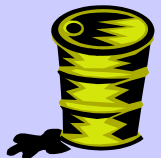
What is hazardous waste (continued)

We also propose to put the following in -

- **low emission radioactive waste which is excluded from the radioactive regime - but only if it has *another* hazardous property**
- **domestic asbestos waste - but this will not affect the householder or his/her family, or a friend or neighbour**

as well as medicinal waste. And finally...

- **to implement Article 3 of the List of Wastes Decision, there will be power for the Secretary of State to say a particular load is or is not hazardous**



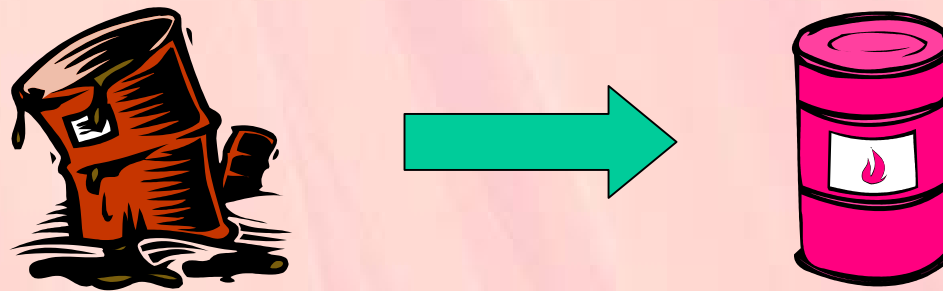
Updates to the List of Wastes (EWC)

- **We intend to publish the List of Wastes Regulations with the Hazardous Waste Regulations**
- **There are 3 updates to the List of Wastes Decision already. We need to be able to implement updates easily**
- **One update will feed through automatically to all the other Regulations which define hazardous waste**
- **Usually have a few months to prepare before updates come into force**
- **Those affected to have 6 months to apply for licence/review of licence**

smart regulation
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Six months to apply for a licence or review of a licence?

Yes. We are calling the waste “changed status waste”.



When the Regulations or updates come into force, some wastes will be treated as hazardous for the first time. Those who need a licence, and those who have a licence which doesn't authorise them to deal with hazardous waste of that category, can then apply. In the meantime they will be able to carry on doing what they could do before.

A licence to mix hazardous wastes?

Yes - or an exemption. If you dispose of, recover, collect or transport hazardous waste, Article 2(2) of the Directive says you cannot mix different categories of hazardous waste - unless under Article 2(3) you have a permit.

And mixed hazardous wastes must be separated as far as possible



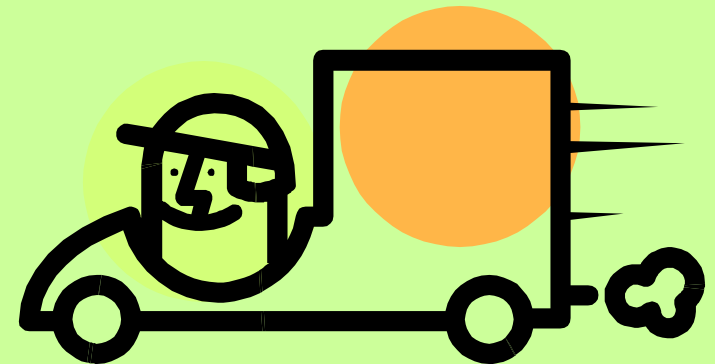
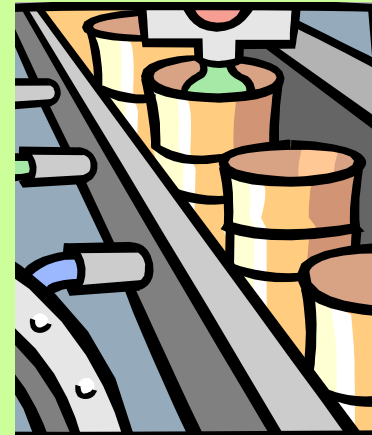
Part 4 - producer to register premises

either

the premises on which the hazardous waste is produced

or

where the producer operates a **mobile service** and satisfies **qualifying conditions**, the premises from which the service is operated



What qualifying conditions?

- *the producer neither owns or occupies the premises where the hazardous waste is produced*
- *the total amount produced at each set of premises is less than 50 kg a year, and*
- *not more than [one/two/n] [tba] consignments are removed in a year*



Quarterly returns?

There will be an audit trail requirement for

- **all consignees, and**
- **those who dispose of the waste within their own premises**

To send a return to the
Environment Agency every quarter



Emergencies and grave dangers

- Those who cause them to be required to avert or mitigate them
- Environment Agency to use present powers to avert or mitigate the emergency or grave danger
- Power to derogate from requirements of Regulations

but no new liability in tort



Hazardous Waste Regulations



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