

Hazardous Waste Forum meeting Report of Meeting Sixteen

HWF 16.3

On 8 February 2007 at 10am in Room A/B, Nobel House, London SW1P 3JR

Forum attendees

Roy Hathaway (Defra – Chair)

Anne-Gaelle Collot (CIA), Sam Corp (ESA), Roger Creswell (ORA), Vanessa Fandrich (EEF), Andy Howarth (Defra), Amanda Moore (Defra), Liz Parkes (Environment Agency), David Pocklington (BCA), John Roberts (CPA), Keith Roberts (SafetyKleen), Allison Townley (DoENI), and Kerry Vitalis (DTI)

Apologies

Nick Bethel, Heather Cholerton, Lisa Collins, Andrew Crowther, Jonathan Davies, Gev Eduljee, Richard Foreman, Anelli Gilbert, Ian McPherson, Lindsay Millington, David O'Connor, John Peters, Paul Walker, Gill Weeks, David Wheeler, David Wilson

1 Actions arising and report of last meeting

1.1 Report of last meeting was approved. Chair updated the Forum on a few issues which were not to be taken elsewhere on the agenda.

WEEE (Waste Electrical and Electronic Equipment) Treatment Regulations

1.2 The WEEE Treatment Regulations have now been published. Link to the Regulations here: <http://www.opsi.gov.uk/si/si2006/20063315.htm> Defra proposed to issue guidance on the WEEE Treatment Regulations shortly. Guidance had been issued on the Best Available Treatment, Recovery and Recycling Techniques (BATRRT) and Treatment of WEEE. Link to the guidance here: <http://www.defra.gov.uk/environment/waste/topics/electrical/pdf/weee-batrtrt-guidance.pdf>

1.3 DTI representative explained that the WEEE Regulations implementing the WEEE Directive in the UK was debated in the Lords yesterday. Parliamentary Scrutiny of the Regulations was now complete.

Forum's Communications Strategy

1.4 Chair reported that no comments had been received by the Secretariat since the last meeting re the Forum's Communications Strategy. The Secretariat had been looking at Hazardous Waste research made available by the Environment Agency re identifying what issues and what audience need to be targeted. It was considered that there needed to be a focus on hazardous waste producers in sectors where ignorance of producing hazardous waste remains and where the hazardous waste was the most harmful.

1.5 It was suggested that currently construction companies, manufacturers of wood products and the treated wood sector were most likely to not be managing their waste essentially because they did not consider that they were producing hazardous waste. Construction companies and wood products manufacturers were least likely to use a waste management contractor and more likely to get information about waste management processes from their trade association.

1.6 Secretariat proposed to focus on these sectors with sector specific activity such as Forum member presence and availability of hazardous waste material at construction seminars and exhibitions run by trade association and to use case studies and best practice material to publicise via trade associations and in the trade press. However, it was proposed that this activity should be developed in tandem with Environment Agency and trade association communication strategies and should be seen to complement and enhance current work in this area.

1.7 There was a general discussion about the availability of material for small businesses. It should be borne in mind that there were legal liability issues in relation to giving advice on websites and accompanying health and safety issues. Coherent external engagement was assisted by use of common messages and common language and the Environment Agency had learned a lot from recent engagement with the agricultural sector. It was also noted that no external funding was available to waste management companies to address communication issues with waste producers.

1.8 It was agreed that the Communications Strategy should be revisited following the publication of the Waste Strategy.

Action:

DTI's guidance on WEEE Regulations to be circulated to Forum members when available

Secretariat to investigate, via DTI representative, the work being undertaken to provide a web portal specifically aimed at small businesses that need information on how to legally manage their business

2 Action Plan

2.1 Andy Howarth explained that the Secretariat was obliged to review the Forum's Action Plan in light of the revised Terms of Reference. HWF 16.2 (Review of Hazardous waste – an action plan for its reduction and environmentally sound management) had been presented to Forum members before the meeting. The paper reviewed progress to date on the recommendations in the Action Plan but did not suggest amendments to the Action Plan at this stage.

2.2 Some of the actions were complete and some were on-going. In the case of on-going commitments/actions some were being handled in the context of Defra's Waste Strategy Review, some by other groups (for example the Landfill Regulations Group sub-group on problematic waste streams), and for others it was too early for them to be completed.

2.3 To give some more detail, a few actions were highlighted to give a flavour of the paper. Recommendation 1.1 re legislative certainty: Regulations transposing the Landfill Directive and the Hazardous Waste Directive were now in place. Recommendation 1.2 re general implementation of enforcement: largely on-going and some new controls proposed on Transfrontier Shipments of waste. Recommendation 1.3 re cradle to grave audits to combat illegal activities: largely on-going as Defra's Duty of Care (brokers and carriers) consultation had been issued and the Environment Agency guidance on hazardous waste treatment had been issued. Recommendation 2.1 re awareness raising: NetRegs website available, Envirowise Helpline set up, Defra had issued guidance leaflets, and Defra web portal

developed. Recommendation 2.2 re good practice and innovation: BREW funding via the DTI New Technologies Programme and Environment Agency's HAZRED programme. Recommendation 3.2a re general statement: under consideration as part of Defra's Waste Strategy Review. Recommendations 4.1 and 4.2 re balanced policy instruments and targets: some in place (Hazardous Waste Regulations, HAZRED Programme) others being considered in context of Defra's Waste Strategy Review (for example, consulted on producer responsibility for certain household hazardous waste) and non-hazardous policies also impact on hazardous waste management.

2.4 Comments were invited at the meeting and following the meeting by 28 February so that a revised HWF 16.2 could be issued .

2.5 There was a general discussion about the Action Plan and a few points were referred to the Problematic Waste Stream sub-group of the Landfill Regulation Group.

2.6 It was generally agreed that the Forum Action Plan had helped focus attention on the issues relating to the sound management of hazardous waste and the position had on the whole been vastly improved. But it was acknowledged that there was still work to be done – on ensuring that necessary treatment was put in place, and inappropriate treatment practices closed down. Nevertheless, a step change had been achieved on the management and handling of hazardous waste, particularly with the application of the Hazardous Waste regulations, which was largely considered to be successful..

Forum members to comment on Action Plan by close on Wednesday 28 February 2007

Secretariat to request information from Envirowise on evaluation of the Environment and Energy Helpline – what has been achieved and how well the Helpline being used.

Secretariat to provide Environment Agency contact details for CPA representative re potentially problematic waste stream CFC & HFC found in insulation material and foam

3 Industry topics

3.1 A CIWM seminar was to take place on Monday 26 March at Hamilton House, London entitled "Hazardous Waste – An "inspector's report". The seminar was to take a look at progress to date following the implementation of the new regulatory regime for the management of hazardous waste in England and Wales. For more information and details of the programme use the following link:
<http://www.ciwm.co.uk/mediastore/files/13867.doc>

Action: Secretariat to circulate information to Forum members about the CIWM Seminar on 26 March 2007.

4 Environment Agency

4.1 Liz Parkes provided an update on Agency issues.

4.2 The Agency had had some teething troubles regarding the release of hazardous waste data to the on-line interrogator. The Agency was engaged on a long term approach to integrate the release of data into the wider Agency internet infrastructure, and this should lead to the quicker checking and release of data in future years. Until then 2004 data was available in an access database. 2005 data was in its final stages of release with the Agency aiming to publish in very near future.

4.3 The Landfill Regulation Group Communiqué No.5 was available and would be circulated with the report of the meeting.

4.4 The Agency had had a productive meeting with waste producers and the waste industry and the revised oily waste guidance would be issued for comment shortly. The coding document was to be published with the oil document.

4.5 Following a meeting with the landfill and treatment operators, the Agency had drafted a position to describe the circumstances where they would consider issuing a TOC (total organic carbon) derogation and it was currently being reviewed.

4.6 In general, the Agency see no policy barriers to municipal waste incinerators (MWIs) accepting low risk hazardous wastes. Operators wishing to pursue the option would need to ensure that the PPC permit and planning permission for the plant were in place. Agency would circulate a note via the Forum's Secretariat for Forum members' clarifying their position on this.

4.7 The Agency were keen to publicise the fact that from July 2008 ALL waste producers and waste treatment operators would be expected to comply with the full WAC (waste acceptance criteria) as set out in the Landfill Regulations.

4.8 There was a general discussion about these points. A concern was raised about the planning and public relation aspects of MWIs accepting low risk hazardous wastes.

Action:

Secretariat to circulate Landfill Regulation Group Communiqué No.5 to Forum members

Secretariat to circulate Environment Agency's revised oily waste guidance & coding issue guidance for comment as soon as available (expected w/b 19 Feb).

Secretariat to circulate Environment Agency's position statement on higher TOC (total organic carbon) levels as soon as available

Secretariat to circulate Environment Agency note (with report of meeting) re use of municipal waste incinerators (MWI) to deal with some low risk hazardous waste, for example, contaminated packaging, oily rags and wood.

Defra to consult Ministers on form of words on use of MWIs to deal with some low risk hazardous waste for possible inclusion in Defra's revised Waste Strategy

5 Defra

5(i) Waste Strategy Review

5.1 Chair gave an update. The Waste Strategy was now expected to be published by the end of March. If for any reason it was not, it would not be published until second half of May because of the purdah period which would come into force before the local government elections on 3 May.

5.2 Content of the Waste Strategy would not be finalised until Ministers had signed off the document but climate change context would be a key feature, for instance, how does waste minimisation lead to reduction in CO₂ (and equivalents) emissions. Chair ran through some sections which were likely to feature in the Waste Strategy: economic instruments (landfill tax and variable household charging); better waste regulation (European Union and domestic); energy from waste; strategy on waste crime; producer responsibility in respect of products and materials (which sectors had the biggest 'carbon footprint'); how to engage with local businesses, consumers, organisations etc, and; annexes, including one on hazardous waste. It was hoped that the Forum's achievements would be included in the latest Waste Strategy.

5.3 There was a general discussion about the possibilities for including certain policies and challenges in the revised Waste Strategy. Producer responsibility aspects of the Strategy may be considered via voluntary schemes rather than regulatory. There may be more about the long term role of landfill in the challenge of disposal of our waste.

5.4 Chair added that stakeholder engagement post publication of the Waste Strategy would continue but may change format. The Waste Strategy would need to address the possibility of a high level strategic stakeholder group with specialist groups lending their expertise as appropriate. As for the future of the Forum, it is recognised that stakeholder engagement of the kind supplied by the Forum is invaluable but may need to be reviewed in light of the Waste Strategy Review. It would be interesting to hear Forum members' views on the best means of engagement with the hazardous waste industry in light of the direction the Waste Strategy was taking.

Action: Secretariat to contact Forum members once Waste Strategy published and seek views on how Forum members view the future of stakeholder engagement, particularly in relation to hazardous waste.

5(ii) Waste Framework Directive

5.5 Chair reported on recent developments. Crucial points were being reached as the European Parliament Plenary session vote was to be held on 12/13 Feb and another Council Working Group was to be held next week (w/b 12 Feb). The German Presidency had instigated rapid progress and a new compromise document was due to be produced by the end of February. It was agreed that Caroline Jackson's (Rapporteur for the Directive in Brussels) 17 compromise amendments document would be circulated to Forum members for information.

5.6 Issues upon which the European Parliament and Council appeared to differ were: waste prevention targets; producer responsibility amendment ; application of self-sufficiency and proximity principles to recovery operations; end of waste, and;

waste oils (block of countries may be effective in lobbying Parliament to adopt position against repealing the Waste Oil Directive).

Action:

Secretariat to circulate to Forum members Caroline Jackson's (Rapporteur for the Directive in Brussels) 17 compromise amendments for information

5(iii) Waste Shipments

5.8 Andy Howarth reported that the combined consultation on the TransFrontier Shipment (TFS) Statutory Instrument and UK Management Plan was due to end on 12 March. Defra were considering allowing certain types of problematic hazardous wastes to be exported where UK treatment facilities were in development and looking at powers and penalties on waste shipments.

5.9 There was a general discussion about cross border issues particularly in relation to Northern Ireland and Ireland. It was a challenge to agree a way forward which was not too onerous. Recent accusations had been made by Chinese authorities that China had become a dumping ground for waste from UK. Environment Agency enforcement mechanisms had been explained. The recent media campaign had not highlighted any recent problems, but was focussing on year old studies such as the Sea Ports project. Steps were being taken to minimise illegal exports.

5.10 ESA's Recycling Registration Service was to be open to all facilities exporting materials for recycling. A pilot phase had been completed and the scheme proper was to be launched in a few months. Members of the scheme would be independently audited to ensure they could demonstrate that waste material handled or processed at registered Material Recycling Facilities (MRFs) and exported out of the UK: was handled or processed in accordance with good industry practice in the UK; accorded with Green List Waste Guidance, and; was delivered to a Recovery Facility that was authorised to operate and complied with applicable environmental and health and safety legislation.

5.11 It was mentioned that linking the issues from the TFS with the Waste Framework Directive proximity rules may result in small uneconomic recovery operations.

5.12 After the meeting Andrew Crowther (SRM Ltd) raised an issue about the changed scope of the new TFS Regulations in respect of movement tracking forms and the subsequent impact on movement of secondary liquid fuel (SLF) to recovery sites. A summary of the issues surrounding this problem would be made available to the Secretariat. Defra were aware of this issue and talking to the Agency.

Action: Secretariat to confirm with ESA details of compliance scheme for exporters and include with report of meeting.

5(v) EC POPs & domestic legislation

5.12 Amanda Moore explained that since the last Forum meeting Forum members had received a link to Defra's consultation on the UK National Implementation Plan for the Stockholm Convention on Persistent Organic Pollutants (POPs) and the draft

Statutory Instrument on POPs. The consultation was due to end on 19 March. Nothing new to report on the situation re POPs Annex V concentration limits. Secretariat to inform Forum members of any progress.

Action: Secretariat to inform Forum members of progress on Annex V concentration limits for POPs when European Commission finalises comitology process

6 AOB

6.1 (i) The new Ship Recycling Strategy was due to be issued later in February or early March. The European Commission had issued a Green Paper on the Strategy.

6.2 (ii) John Roberts (CPA) mentioned a number of comments regarding the HAZRED programme construction proforma. It was agreed these comments should be directed to the Environment Agency's HAZRED team for consideration.

Action: Secretariat to forward issues raised at the meeting re the HAZRED programme construction proforma to the Environment Agency

6.3 (iii) No date arranged for the next meeting but Secretariat to contact Forum members following the publication of Defra's Waste Strategy

Action: Secretariat to contact Forum members in due course regarding arrangements for the next meeting following publication of Defra's revised Waste Strategy.

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