Comparison of provisions of the Hazardous Waste Directive (HWD) and the Special Waste Regulations (SWR)

The HWD is taken to mean the Council Directive of 12th December 1991 on hazardous waste (91/689/EEC) as amended by the Council Directive 94/31/EEC of 27th June 1994.

The SWR are taken to mean Special Waste Regulations 1996 as amended by the Special Waste (Amendment) Regulations 1996 and Special Waste (Amendment) Regulations 1997

The Directive on Waste (75/442/EEC) (as amended by 91/156/EEC) is commonly referred to as the Framework Directive (FD).

Article	Provision of the HWD	Provision of the SWR and other UK legislation
1	Object of the directive is to approximate laws to the controlled management of hazardous waste.	The objectives are consistent. the SWR aims to provide a cradle to grave system of control to ensure sound management of special wastes. The SWR seeks to implement the HWD. The SWR also provides the system required by Title III of the EC Waste Shipments Regulation (Council regulation 259/93) for hazardous waste shipments within a member state.
	Directive 75/442/EEC, (the "Framework Directive" FD) applies to HW	
	Definition of waste is as per the Framework Directive	"Directive" waste introduced by Waste Management Licensing Regulations 1994
	Hazardous waste is defined as wastes featured on a list drawn up by the Commission based on Annexes I and II of the HWD (The HW List was established by the Council Decision 94/904/EC). The wastes on the list must have one or more of the properties listed in Annex III.	The HW List is reproduced as Schedule 2, Part I in the SWR. Annex III of HWD, hazardous properties, are reproduced in the SWR as Schedule 2 Part II.

The list should take into account the origin, composition and concentration of the waste.

Any other wastes considered by member states with properties listed in Annex III should be notified to the Commission of review and possible inclusion on the HW List

Annexes I and II of the HWD do not play a direct role in the SWR and are not included in UK legislation.

The first part of the SWR definition (Regulation 2 (1)) introduces the HW List but allows wastes not to be classified as special if they are below threshold limits, for certain hazardous properties, set out in Schedule 2 Part III of the SWR. The threshold limits are drawn from Article 1 of Decision 94/904/EC and indicates properties wastes on the list are considered to display. The use of the threshold to exclude listed wastes from being special is different to the approach used Decision 94/904/EC. European law (Introduction to Decision 94/904/EC) does allow Member States to decide that a waste on the HWL does not possess any of the hazardous properties, but only **in exceptional circumstances**, based on **documentary** evidence provided by the waste holder. The direct use of the threshold limits in the SWR could therefore be considered inconsistent with European legislation.

The second part of the SWR definition (Regulation 2 (2)) classifies other controlled wastes as special waste if they possess the properties H3A, H4 to H8. The HWD specifies that other waste possessing any of the hazardous properties (H1-H14) may be considered as hazardous by a Member State. In such cases the Member State should notify the Commission to allow the waste to be considered for inclusion on the HWL. Therefore in regard of Regulation 2(2), the SWR may be considered inconsistent with the HWD definition.

The second part also specifies that prescription only medicines are special. No medicines are currently included on the HWL.

	Domestic waste is exempted the provisions of the Directive. The HWD excludes domestic waste from the provisions of the Directive but does not say the waste is not hazardous.	Household waste is excluded under Regulation 2. The definitions are given in the EPA Part II, section 75(5).
2	Requirement that all disposal facilities record and identify wastes.	The SWR includes comprehensive provisions for recording wastes, including the location of the deposit.
	Measures established which do not allow mixing of hazardous wastes or mixing of hazardous and non-hazardous wastes	Carriers and operators of recovery and disposal operations are prohibited from mixing different categories of SW and of mixing special and non special wastes, unless they are specifically authorised or licensed to do so. Waste producers are exempted from this restriction.
	Mixing may only be undertaken in compliance with permit requirements laid down in the Framework Directive	See above
	Wastes which are already mixed should be separated where technically and economically feasible, whilst complying with Article 4 of the Framework Directive (includes measures to effect environmental protection and prohibition of abandonment or uncontrolled disposal)	The consignment note procedure has, as one of its aims, the prevention of illegal disposal through pre-notification.
3	No derogation applies to hazardous waste establishments (Article 11(1a) cites carrying out own waste disposal at the place of production)	No exemption for hazardous waste producers to dispose of hazardous waste at the place of production. Controlled by the Waste Management Licensing Regulations (WMLR) or IPC Regulations. Exemptions in WMLR generally apply to storage and recovery process. Although Schedule 3 Paragraph 26 of WMLR does allow the disposal of waste at the place of production as an integral part of the production process. However special waste is excluded by Regulation 17 (3) of the WMLR.

	Article 10 (which refers to undertakings carrying out specialist recovery operations - Annex IIB) may be waived for recovery operations, - if Member states adopt specific provisions for given waste types and quantities - if the above complies with Article 4 of the Framework Directive	Specific provisions provided by the Waste Management Licensing Regulations or IPC Regulations.
	The above installations should be registered with the competent authorities The rules should be conveyed to and agreed with the Commission	Controlled by the WMLR or IPC Regulations.
4	Article 13 of the FD (which permits competent authorities to undertake periodic inspections) applies to hazardous waste producers.	The requirement for periodic inspection of special waste producers is implemented through the SWR by amending the WMLR
	Article 14 of the FD (which requires recording of the quantity, nature, origin, destination, frequency of collection, mode of transport and treatment method) applies to all producers and carriers of hazardous waste	A consignment note is in place that provides an effective means of recording and monitoring the movement of special waste.
	Records must be preserved for at least 3 years, or at least 12 months for carriers. Documentary evidence that management operations have been carried out must be supplied to the competent authorities.	Consignment notes must be kept for 3 years. Consignees' site location records must be kept until the licence or authorisation is revoked. Records should be cross referenced to consignee's register of consignment notes.
5	Necessary measures should be taken to ensure packaging and labelling controls in line with international and Community standards. Inspections should focus on origin and destination of the hazardous waste.	Controlled by transport legislation.
	For transfers of hazardous waste, it should be accompanied by an	The consignment note system provides the identification form. Although pre-

	identification form containing the details in Section A of Annex I to Directive 84/631/EEC relating to the transfrontier shipments.	notification is not specified in the HWD
6	Competent authorities should prepare plans for the management of hazardous waste, either separately or within general WM plans. It should make these plans public.	The England and Wales Waste Strategy 2000 includes plans for the management of hazardous waste
	The plans will be reviewed by the Commission, and made available to competent authorities.	Not applicable
7	In the event of emergencies resulting from HW, Member States should take all necessary step to safeguard threats to the population, including derogations from the HWD. The Member States should inform the Commission of any derogations.	A statutory defence for non-compliance in the case of an emergency is provided for in the SWR.
8	The member states should send a report on the implementation of the HWD.	This requirement is not controlled by legislation.
	The Commission will report to the European Parliament and the Council on the implementation of the Directive every 3 years.	Not applicable
	The member States must provide the Commission with following information on hazardous waste treatment facilities - name & address - treatment method - types and quantities of waste This should be updated once a year. The Commission should make this	This requirement is not controlled by legislation.

	available to the competent authorities.	
9	Adaptation of the Annexes and revising the list of wastes will be in accordance with an agreed procedure given in Article 18 of the FD	Not applicable
10	The laws, regulations and administrative provisions to ensure compliance with this Directive should be brought in by 27th June 1995. The member State should inform the Commission immediately.	The SWR 1996 were made on the 28th March 1996 under section 62 of the EPA of 1990, and came into force on the 1st September.
11	Directive 78/319/EEC is repealed with effect from 27th June 1995.	Not applicable

Review of the Special Waste Regulations

Introduction

The Waste Strategies[1] being developed across the UK are aiming to move the UK towards more sustainable waste management and promote the waste hierarchy. Reducing special waste arisings and the hazardousness of waste are identified as a key waste management priority.

The DETR, together with the National Assembly for Wales, Scottish Executive and the Northern Ireland Assembly, are undertaking a review of the Special Waste Regulations[2]. The review aims to:

- Evaluate the efficiency and effectiveness of the current Regulations in achieving Government policy and objectives in relation to hazardous waste management; and

- Identify and assess possible alternative options for future regulation of hazardous waste in the UK, which are consistent with the requirements of the Hazardous Waste Directive.

Consultation

A key part of the review process is obtaining views and opinions from all interested parties, on any issues relating to the current or future control of special and hazardous waste within the UK.

Objectives

In preparing your comments, please consider the objectives behind the implementation of the Special Waste Regulations and the emerging Waste Strategies.

The objectives behind the implementation of the Special Waste Regulations included:

- Implementation of the provisions of the Hazardous Waste Directive
- Maintenance of the controls imposed by the previous Regulations[3]
- Achievement of a cradle to grave audit trail
- Deterring illegal disposal of hazardous waste
- Ensuring that records are kept of the disposal of hazardous waste at landfill
- Achievement of full cost recovery for the administration of the Regulations

In addition, a number of objectives have been identified for the future control of hazardous waste which are consistent with the Strategies, including

- to be consistent with the aims of sustainable development
- to promote the waste hierarchy, BPEO and the recycling of hazardous waste
- to promote a reduction in the quantity and hazardousness of wastes
- to promote the proximity principle
- to produce legislation in line with the principles of good regulation (transparency, accountability, targeting, consistency and proportionality) .

---

[1] A way with waste, a draft waste strategy for England and Wales (June 1999); National Waste Strategy for Scotland (1999); A Waste Management Strategy for Northern Ireland (draft June 1998).

[2] The Special Waste Regulations 1996 (as amended) and the Special Waste Regulations (Northern Ireland) 1998.

[3] The Control of Pollution (Special Waste) Regulations 1980 and the Pollution Control (Special Waste) Regulations (Northern Ireland) 1981

In light of the objectives set out above we would be interested in your views and opinions on:

How successful are the current regulations in achieving the objectives behind them?

Can the Special Waste Regulations help to achieve the future objectives detailed above?

Are there any alternative, more efficient and effective methods of achieving these objectives?

Current controls

The review is evaluating the efficiency and effectiveness of the existing Special Waste Regulations, and therefore we are interested to hear of your experiences of their operation.

We are interested to receive views about all aspects of the Special Waste Regulations, including:

- the classification of special waste;
- the notification system;
- the cost recovery system;
- the level of compliance

Are there possible alternatives to the current controls within the Regulations?

Future controls

The review will examine possible future alternatives for the control of hazardous waste in the UK. Therefore we wish to identify possible alternative options for controlling hazardous waste. Any measures must deliver sustainable management of hazardous wastes, be consistent with Waste Strategy principles and ensure compliance with European legislation.

How can hazardous waste controls help to achieve more sustainable management of hazardous wastes in line with Strategy objectives?

Are there regional/geographical issues that will affect the sustainable management of hazardous waste?

Is regulation the most appropriate method of achieving future objectives or are there alternative control mechanisms that could be used whilst maintaining standards of environmental protection?

How can the Regulatory Authorities[4] most effectively monitor and control the management of hazardous waste?

What are the most efficient ways of gathering strategic data on the nature and quantity of hazardous wastes and their management?

Contact for responses

The review of the Regulations is being carried out by Enviros Aspinwall on behalf of the Department, the National Assembly for Wales, Scottish Executive and the Northern Ireland Assembly. Responses and comments should be directed to the following addresses and not directly to the DETR. When providing responses and comments on the different issues detailed above please identify, were possible, the benefits of any proposed options and who would be most affected by the alternative approach.

[4] Environment Agency, Scottish Environmental Protection Agency, Northern Ireland Environment & Heritage Service

In addition, to assist in the planning of future consultations, please indicate how you became aware of this consultation.

E-mail: special.waste@enviros.com

Postal: Nigel Naisbitt
Enviros Aspinwall
Telegraphic House
Waterfront Quay
Salford Quays
Manchester
M5 2XW

The closing date for providing responses is 29th February 2000.

List of Interested Parties, Trade Associations and NGO's

List of Trade Associations, Interested Parties and NGO's contacted directly.

1. Air Conditioning and Refrigeration Industry Board (ACRIB)
2. Alliance of Small Firms & Self Employed People Ltd
3. Asbestos Information Centre Ltd
4. Asbestos Removal Contractors Association
5. Assembly of Welsh Counties
6. Association of British Health-Care Industries
7. Association of British Pharmaceutical Industries
8. Association of County Councils
9. Association of District Councils
10. Association of UK Oil Independents
11. Britannia Refined Metals Ltd
12. British Adhesive and Sealants Association
13. British Aerosols Manufactures
14. British Aggregate Construction Materials Industry
15. British Agrochemicals Association
16. British Association for Chemical Specialities
17. British Battery Manufacturers Association
18. British Cement Association
19. British Ceramic Confederation
20. British Chambers of Commerce
21. British Chemical Distributors and Traders Association
22. British Coatings Federation
23. British Colour Makers Association
24. British Dental Association
25. British Dental Trade Association
26. British Imaging and Photographic Association ltd
27. British Lubricants Federation Ltd
28. British Medical Association
29. British Metal Finishing Association
30. British Metals Federation
31. British Photographic Association
32. British Printing Industries Federation
33. British Secondary Metals Association (BSMA)
34. British Veterinarian Association
35. British Wood Preserving and Damp-Proofing Association
36. Building Employers Confederation
37. Building Services Research and Information Association
38. Chartered Institute of Building
39. Chemical and Oil Recovery Association
40. Chemical Industries Association
41. Civil Engineering Contractors Association
42. Confederation of British Industry

43. Construction Confederation
44. Construction Industry Council
45. Construction Industry Employers Council
46. Construction Industry Research & Information Association
47. Environmental Industries Commission Ltd
48. Environmental Law Foundation
49. Environmental Law Institute
50. Environmental Services Association
51. European Catalysts Manufacturers Association
52. European Resin Manufacturers Association
53. F Murphy Alloys Ltd
54. Federation of Master Builders
55. Federation of Small Businesses (FSB)
56. Friends of the Earth - Northern Ireland
57. Friends of the Earth
58. Greenway Orcol
59. HJ Enthoen And Sons
60. Institue of Healthcare Engineering & Estate Management
61. Institute of Small Businesses
62. Institute of Waste Management
63. LAWDC Association
64. Lead Development Association Ltd
65. Lighting Industry Federation
66. Local Goverment Association
67. National Association of Waste Disposal Officers
68. National Farmers Union
69. National Federation of Demolition Contractors
70. National House Building Council
71. National Recycling Forum
72. NHHW Forum
73. Oil Recovery Association
74. Petrol Retailers Association
75. Photographic Waste Management Association
76. Pira International
77. Royal Pharmaceutical Society of Great Britain
78. Sanitary & Medical Disposal Services Association (SMDSA)
79. Soap & Detergent Industry Association
80. Society of Motor Manufacturers and Traders
81. Society of the British Battery Industry (SOBAT)
82. Solvents Industry Association Ltd
83. The Cosmetic, Toiletry & Perfumery Association
84. The Forum on Contaminated Land (FOCIL)
85. The NHS Confederation
86. UK Petroleum Industry Association
87. Waste Processing Association
88. Water Services Association of England and Wales

Summary of General Consultation (including other interested parties)

A total of 43 written or e-mailed response from a range of trade association, waste producers, waste management companies, and other interested parties were received. The list of respondents is provided at the end of this Appendix together with a detailed breakdown of the views and opinions expressed.

There were a wide range of views expressed and as would be expected these were not always consistent. However the main issues and opinions can be summarised as follows:

General Comments

The current system provides a good framework for monitoring/controlling special wastes.

Definition/Classification Issues

The definition/classification system is considered to be complex making the classification of waste as special difficult. This results in the over notification of wastes as companies use the precautionary principle. Particular issues included:

- the difference between "special" and "hazardous" and the impact on the implementation of future EU Directives, e.g. in implementing the Landfill Directive, taking special to be synonymous with hazardous, could result in additional cost for British industry.
- the different classification criteria used in CHIP and SWR can result in a material/waste being classified differently by the two systems.
- the lack of a *de minimis* volume can impact on the recovery and re-use of certain wastes.

Notification/Record

It was considered that the notification system provided a cradle to grave system, and that this is important. However:

- some respondents felt that prenotification is unnecessary, placing an excessive administrative burden on both the regulator and regulated;
- the notification system has no influence on the volumes of waste produced or achieving sustainable waste management; and
- an IT based system could be beneficial

Compliance

The overall level of compliance was considered to good but that it could be improved by targeting producers in certain industry sectors

Cost Recovery

The charging scheme was not considered to be transparent, was disproportionate for small quantities and in some cases acting as a barrier to recovery/recycling

Future Options

The range of future options suggested include:

- Placing more responsibility on the waste producers through a producer registration or producer responsibility system. However it should be noted that these suggestions mainly came from the waste management companies that responded.

- Simplification of the classification system.

- Development of a charging/incentive system that promotes strategic principles, such as the waste hierarchy, with different fees based on:

  - lower costs for recycling and recovery activities; or
  - charges related to the type of waste handled

- Adjusting the current consignment note system to simplify its use, including the removal of prenotification and the use of IT solutions.

It was felt that the current SWR are unlikely to achieve future strategic objectives and that control measures should not be confused with sustainable management.

List of reviewed responses

1. Agfa UK
2. Andrew Bryce Solicitors for Safety Kleen (plus Safety Kleen letter to DETR)
3. Asbestos Information Centre
4. Biffa
5. British Ceramic Confederation (BCC)
6. British Energy
7. British Gas Services (BG Services)
8. British Imaging & Photographic Association (BIPA)
9. British Secondary Metals Association (BSMA)
10. British Waterways
11. Brunner Mond
12. Cannon Hygiene
13. Chemical Industries Association (CIA)
14. Chemical Recycling Association (CRA)
15. Civil Engineering Contractors Association (CECA)
16. Cleanaway Limited
17. Corporation of London
18. Department of Health, Social Services and Public Safety (Belfast)
19. Dumfries and Galloway Council (Environment and Infrastructure)
20. Electricity Association
21. Engineering Employers Federation (EEF)
22. Environment Agency, Individual officer response
23. Environment Agency, Southern region SWAG Committee
24. Environment Services Association (ESA)
25. Fertiliser Manufacturers Association
26. Grampian Primary Care NHS Trust
27. Greenway Orcol Limited
28. Hickson Timber Products
29. Institute of Healthcare Engineering and Estate Management (IHEEM)
30. National Farmers Union (NFU)
31. National Household Hazardous Waste Forum (NHWWF)
32. National Power
33. Oil Recovery Association (ORA)
34. Oxford City Council
35. Royal Institution of Chartered Surveyors (RICS)
36. Royal Society of Chemistry (RSC)

37. Silver Lining Industries Ltd
38. Soap and Detergents Industry Association (SDIA)
39. Solvents Industry Association
40. Thames Water
41. Tilbury Container Services Limited
42. UK Offshore Operators Association (too late to comment, intend to comment later)
43. UKPIA
44. Environment Agency, Head Office
45. UK Offshore Operators Association Limited
46. Sanitary & Medical Disposal Services Association
47. Sun Chemical

Detailed Breakdown of the Views and Opinions Expressed

Achieving Objectives

Implementation of HWD/Classification

Dual usage of the terms 'special waste' and 'hazardous waste' is confusing (Brunner Mond and CIA)

The difference between "special" and "hazardous" results in additional cost for British industry if special is taken to be synonymous with hazardous, when implementing the Landfill Directive (ESA)

The two tier approach to classification in confusing to all. However the classification should be based on the hazardous properties possessed by a waste and not an entry on the HWL (ESA).

More wastes are now classified as special due to the HWL and the extended number of hazardous properties (ESA)

In reality, very few sharps are consigned despite the Agency policy. The Agency policy should be reflected in regulations rather than subsequent policy of non-implementation (Cannon Hygiene)

Audit Trail/Records

Cradle to grave record keeping system is on a par with the previous Regulations (ESA)

The cradle to grave system is important, however it should be tiered to take account of the risks associated with different waste types (Thames Water).

Cradle to grave is too bureaucratic and onerous (EEF)

Current regulations are successful in achieving the objectives in relation to most special wastes (Cannon Hygiene)

It should not be assumed that re-use and recycling are the BPEO for all wastes (Thames Water).

Strong and effective management of hazardous waste is important to promote public confidence (ESA).

Deterring Illegal Disposal/Compliance

Compliance has increased not because of SWR96 but because of closer Agency scrutiny of prenotifications (CIA)

The level of illegal disposal of hazardous waste is considered to be unchanged, although the administrative and cost burden can act as a deterrent to compliance (ESA)

The Landfill Directive may result in increased fly-tipping of special waste, duty to the likely reduction in the number of available sites (Thames Water).

Agency needs to target specific sectors of the waste management industry to stop illegal dumping. The Agency should apply a 'priority rating system' to identify the appropriate sectors (EEF)

The level of compliance is generally good but the Agency has been seen to adopt policies of non-action in the event of failure to consign. In the case of the scrap industry it is unlikely that compliance is good despite the lower fee (Cannon Hygiene)

Future Objective/Proximity Principle

Apply proximity principle for recyclable SW on a regional basis. It may be necessary to apply WML exemptions to wider range of SW (NHWWF)

SW require specialist facilities which are not routinely available in every area due to high operational costs (Cleanaway)

To promote proximity principle, charges should be increased if wastes are moved over defined distances with fees being scaled based on the distance travelled (Individual, EA)

Proximity Principle not reasonably practicable or technically achieve to invoke in parts of Scotland (Grampian Primary Care NHS Trust)

Current Controls

General Comments

The logistics of waste collection and transport appear difficult for small producers (NFU)

Current regulations provide an adequate system for monitoring the production and disposal of special waste (RICS, NHWWF). The SWR provide a good framework for control – exemption for certain types of SW would lead to a loss of control (Cleanaway)

Generally SWR appear satisfactory (Tilbury Container Services Limited)

There is inconsistent application of the regulations across the UK and across waste streams (CIA)

Classification/Definition

There is still uncertainty over the classification of distillery blow off (DBO) as special waste (or inert waste) and resulting tax exemptions (Brunner Mond)

Current structure is inflexible with regard to specific waste streams classification and appropriate management techniques (Brunner Mond)

More lucid guidance is needed on e.g. ecotoxic than is given in Circular 6/96 (CIA)

Classification of the waste is difficult, subject to the precautionary principle, which undermines proportionality in small businesses (Silver Lining).

The classification scheme should be tailored to wastes rather than products. This would remove some inconsistencies arising from waste identification and characterisation (Safety Kleen and CECA).

The definition needs to be easily implemented and the need for repeated analysis avoided (Electricity Association).

Clinical special waste arises at a slow rate. A method of treatment for this waste arising should be provided such that waste need not be consigned (IHEEM)

The regulatory assessment regime is overly complex (British Energy/EEF)

The regulatory assessment regime is unworkable for normal people, and needs to be more pragmatic but will catch more waste (Corp. of London/EEF)

Legislation/guidance on bonded asbestos from properties conflicts with HSE removal requirements (BG Services)

The *de minimis* policy for asbestos is too low (why not 25kg?) (BG Services)

EWC codes are not appropriate for classification (Biffa)

The complexity of the definition leads to “over classification” as people use the precautionary principle. Refining the classification or use clear policy to achieve the correct balance (ESA)

Some waste management companies err on the side of caution (EEF)

Waste disposal companies rely on the honesty of the carrier when it comes to waste composition (EEF)

Maintaining the SWR96 definition beyond the HWL is questionable (Cannon Hygiene)

Government policies (as opposed to Agency policies) regarding action/no action on enforcement (e.g. sharps (not) contaminated with POMs) should be set out. Thresholds or policy action should be specified or classify the waste as special/not special (Cannon Hygiene).

A better definition of infectious needs to be introduced (currently reflected in Agency policies only) (Cannon Hygiene)

Unclear how to classify waste generated from contaminated landfill sites, analysis for example is taken of total metals and not of the metallic species due to the costs involved. Further guidance is required on classification and on the analysis required (RICS)

The inclusion of household hazardous waste in the special waste definition will ultimately reflect European legislation and should therefore be included (NHHWF). The NHHWF's view is that it should be separated from the rest of the household waste stream and should be defined on a generic basis (see letter)

Relaxation of classification of specific wastes to allow recycling e.g. water/oil mixtures by regarded as special over 0.1% (Cleanaway)

Improved guidance on grey area wastes required (Cleanaway)

Various definitional complexities compounded by Technical Guidance (WM1) which are too complex and difficult to use (Cleanaway)

Particular problem with classification of sediments and soils where the material is heterogeneous with a number of different contaminants whose exact chemical form is not known. (British Waterways)

Also hydrocarbon contamination – carcinogenic PAH are the determinand that should be used, but officers use total PAHs, mineral oils or total petrochemical HCs (British Waterways)

Classification of a waste as special does not always reflect the non-hazardous nature of the material, e.g. bonded asbestos pipe used for water supply (Thames Water).

Differences exist in definitions of hazardous properties between CHIP and SWR, it is essential to link these (RSC). This point is raised by the Environment agency, also, which acknowledges that CHIP was not intended for wastes and problems have occurred in implementation of CHIP for special wastes. A national working group within the Agency has been established to deal with these issues.

The different classification criteria are used in CHIP and SWR that results in different classification for the same material (BIPA).

There are difficulties in determining the appropriate test method for H12 (BIPA).

No *de minimis* provision or recognition of reusable packaging in SWR – problems exists for shippers of used uncleaned packaging which is in fact not waste but is being returned for refilling or recycling. Covered by CDG legislation but not in the SWR. (SDIA). SDIA considers that packaging waste containing up to 0.1% product that is classified as irritant should not be designated special waste.

<u>Consignment note and prenotification</u>

The paper system is wasteful of resources (CIA)

The consignment note system is successful (EEF)

Infrequent small quantities do not warrant pre-notification fee and disposal charges (NFU)

Storage periods of only 12 months are too short (NFU)

Too bureaucratic (IHEEM)

The system is limited to movement controls only and this can have no impact on sustainable waste management (CIA)

The transfer note system has no influence on the volume of waste produced (CIA)

The consignment note system works against illegal disposal (CIA)

Administrative procedures are complicated, delays occur, and the costs are at best an irritant and at worst excessive (BCC and Silver Lining)

Prenotification by 72 hours is unnecessary and duplicates the consignment note effort (and there is seldom an Agency response to the prenotification anyway) (BCC and BG Services)

The paper document chain is subject to errors (Biffa)

Introduce a simplified system for the disposal of household cement bonded asbestos (Dumfries & Galloway Council).

An internet based system should be employed to allow waste producers and industry access to status of pre-notes and volumes of waste moved (Cleanaway and ESA)

Carriers rounds

No-charge consignment notes should be introduced for small waste arisings and successive notified carriers rounds be extended for a whole year, with restrictions on amounts/type/consignor/ consignee etc (Cannon Hygiene)

Regulation and compliance

Fly tipping has increased in the countryside since SWR96, Landfill Tax etc (NFU)

DETR/Agency should encourage waste producers to employ properly licensed carriers (NFU)

The level of compliance is good, except where clear definitions are not available (CIA)

The current exemption from waste licensing for storage of solvents should be reconsidered (Safety Kleen)

Regulation is inconsistent (EEF)

In practice, warnings seem to consist of paperwork (postcode) offences or other administration failures being detected rather than effective checking or sampling (Cannon Hygiene)

A more proactive approach is required but difficult due to inexperienced staff or lack thereof. (Cleanaway)

Larger companies are well aware of the economic benefits of resource efficiency, but SMEs are generally not. Advice could be provided by Government or industry groups. (Royal Society of Chemistry)

EA should be undertaking more producer inspections and surveys (Individual, EA)

Cost recovery

The cost recovery system is too blunt an instrument, e.g. the same cost for consignment of 205 litres of sump oil as 23,000 litres of CN solution (CIA)

The charging scheme is not transparent regarding the proportion of fees spent on (1) administration of the system, and (2) inspection, sampling and analysis (CIA and ESA)

The current system works well (Safety Kleen)

No information has been produced to show that the current charges are required for full cost recovery, and there is evidence that checking or inspection is not carried out, suggesting fees are being used to fund paperwork/IT systems only (Cannon Hygiene)

If there is justification for lower fees (e.g. batteries) then why not apply this to other wastes (e.g. pharmaceuticals returned by the public) (Cannon Hygiene)

For waste oils, the levying of a consignment note for subsequent movement of waste oils from a transfer station to its refinery is contrary to the polluter pays principle (Greenway Orcol Limited)

The current £10 consignment note fee for lead acid batteries is disproportionate and deters recycling activities (BSMA)

Any increase in consignment note fees will be strongly resisted (CRA).

EA should make use of IT based systems to reduce or at least contain costs (CRA and Thames Water).

Consignment note costs are negligible in relation to transport and disposal costs (Cleanaway)

Anomalous costs for Northern Ireland (Cleanaway)

To reduce financial impact on large projects, a procedure whereby a fixed fee is levied, should be used (British Waterways)

Future Controls

Waste arisings and producer responsibility

Suppliers and manufacturers have a role to play in reducing the special waste arisings on site (producer responsibility) (NFU)

Promote reduction, reuse and recycling of packaging (NFU)

Move towards producer registration for special wastes and charge with reference to the waste hierarchy (lower charges for reuse, recycling and recovery) (Safety Kleen)

The primary consideration for hazardous waste controls should be protection of the environment and human health, and these objectives are complementary to sustainable development (ESA).

Reduction in quantity and resulted in increased hazardousness as components are concentrated within the waste (ESA)

Producer responsibility and associated budgetary and fiscal instruments are required (Biffa)

Segregate, and promote non-hazardous chemicals use etc (British Energy)

Give added incentives for waste minimisation (e.g. business rate deductions) to achieve sustainable development (EEF)

Registration of small producers via carriers schedules with no consignment note thereafter (Duty of Care providing the necessary control) (Cannon Hygiene)

Use registration scheme and provide incentives for recycling and recovery by reducing the registration fee, to support the waste hierarchy (Greenway Orcol Limited)

Classification

Reduce the tendency to overclassify waste (British Energy)

Produce a list of common substances that will be special at certain concentrations, with their own *de minimis* values (Corp. of London)

Consolidate guidance into a simple index of form (e.g. CD-ROM), improve the guidance on Duty of Care and produce posters of e.g. skips highlighting key special waste arisings (EEF)

Thresholds below which waste is not special, or special but no consignment required (Cannon Hygiene)

Only European hazardous waste should be included under the SWR (Cannon Hygiene)

Redefine asbestos arising from a domestic property from small scale DIY works as household waste under Part II of the EPA 1990 Act (Oxford City Council)

Remove designation of SW for asbestos cement products. Asbestos fibres only account for 12-15% and chemically bonded to the cement, and is unlikely to be abraded. Since several million tonnes are in use of buildings in the UK, as these materials become available for disposal, they will have a major impact on landfill, especially if required to dispose of at hazardous waste landfills. (Asbestos Information Centre)

Consider introducing *de minimis* values for certain wastes based on environmental/health risks (Thames Water).

Remove the threshold concentrations in the definitions or provide statutory guidance for thresholds for all 14 hazards (EA, Southern region SWAG Committee)

Remove the direct link to CHIP for hazard interpretation (EA, Southern region SWAG Committee)

The option exists to make all waste "notifiable" except for a prescribed limited list of wastes. Applied to the EWC by stating all waste is notifiable except those items currently not shown in current DTER circular 6/96 (EA, Southern region SWAG Committee)

Disposal facilities

Farmers will require small local facilities to dispose of waste at the point of production (cf. existing Groundwater Regulation authorisation for pesticide washings) (NFU)

Promote the proximity principle (IHEEM/EEF)

Encourage a local hazardous waste collection service – like that in London (Corp. of London)

The development of an adequate network of facilities through other legislation and guidance is essential (Cannon Hygiene)

Introduce statutory specified disposal route for new oils where contamination of oils capable of being re-refined is an offence. Will prevent mixing and contamination of oils, based on proposed German system. (Greenway Orcol Limited)

Cost structure

A different cost structure for farm businesses than large chemical installations is required (NFU)

A distinction needs to be made between wastes for disposal and those for re-use/recycling (Electricity Association).

Exempt from charging specific recyclable materials e.g. lead acid batteries (ESA).

Set a *de minimis* level below which the standard fee does not apply (ESA).

The main driver to waste minimisation and recycling will be cost (ESA)

Charge lower fees for licensing companies associated with recovery and recycling (Silver Lining/Safety Kleen/Cannon Hygiene)

Reduce fees for repetitive consignments (Safety Kleen)

There is a strong case for having charges related to each category of special waste, based on risks and level of contamination (IHEEM)

There is no desire for levies or market-based measures (EEF)

Fiscal controls should be introduced to promote recycling and recovery i.e. additional tax on disposal. A tax charge could be credited against new investment (tax breaks) by producer companies in in-house abatement technology (RICS)

To promote the BPEO, introduce variable charging for consignment notes waste going to recycling and recovery options e.g. £0 for recovery and disposal £20 (Individual, EA). Charging schemes should vary in line with the waste hierarchy, to provide a clear signal to waste producers (CRA)

Consignment note system

Remove prenotification or limit it to tanker movements (Safety Kleen)

A simpler/more efficient way of managing the audit trail is required, e.g.
- customers registered by single prenotification
- returns on waste transported provided once a month
- waste from customer base provided once a year
- the customer (producer) should file a similar record once a year(Silver Lining)

Encourage legal disposal by reducing the cost of the consignment note system (Silver Lining)

Require notifications to be made to the office for the Area in which waste is deposited (EA, Southern region SWAG Committee)

System and bureaucracy must be simplified. One system involving SW and controlled waste is required, to provide audit trail and feedback loop (Grampian Primary Care NHS Trust)

Reduce the need for individual consignment notes for repeated movements of a single waste stream (CECA)

Two tier system of control for recyclable special waste. Recyclable (as opposed to those suitable for disposal only) HHW should be subject to *de minimis* criteria, below which they should be tracked using Duty of Care transfer note system rather than consignment notes, but the exemption on documenting transfers for householders should remain (NHHWF)

Exclude lead acid batteries from the requirement for consignment notes and the associated costs (BSMA)

Carriers rounds

Extended carriers rounds – one consignment note for 7 days – reduces the burden of regulation (Safety Kleen)

Improve collection rounds (Silver Lining)

Remove the need for carrier rounds and extended carrier rounds altogether, these are only important to waste producers and collectors if charging is imposed (EA, Southern region SWAG Committee)

The Agency should operate a list of certified and authorised carriers and sites (EEF)

Modify registration of carriers to allow for separate registration for carriers allowed to carry special and non-special wastes, so as to provide pro-active control at the point of selection of the person removing the waste (Cannon Hygiene)

Regulation via SWR

SWR are unlikely to achieve future objectives as they do not affect practice (CIA)

Don't confuse sustainable management with control of special waste. Other legislative instruments should be used (CIA/Cannon Hygiene)

Future objectives should be met by market forces, driven by adequate strategy and policy which provides facilities and markets for recyclables (Cannon Hygiene)

SWR should not be used to achieve sustainable development, reduction in quantity or hazard, or to promote the proximity principle (Cannon Hygiene)

Sensible implementation of the Landfill Directive will be necessary to maintain hazardous waste capacity on a regional basis. Biggest risk is the isolation of Northern Ireland from the UK's waste treatment facilities (CIA)

Make the Agency's regulatory management system transparent (CIA)

Legislation in line with principles of good regulation would reflect less of a burden on smaller waste producers by introducing more proportionality (Cannon Hygiene)

To discourage illegal disposal, introduce higher fines, enforce Fit and Proper persons (Individual, EA)

The current system is adequate in concept but the issue is how well it works (ESA)

Strategic data collection

Reliance on SWAT data is not necessary for strategic data collection. A separate data collection from movement control may be more effective (CIA)

There is a need for strategic data analysis and dissemination of information (EEF)

Existing systems and legislation, subject to suggested amendments, coupled with Agency initiatives, should be used (Cannon Hygiene)

Make more use of technology to handle current volumes of consignment notes, this can still provide a audit trail without the paper trail (Greenway Orcol Limited)

Improved IT (on-line system) would help improve data (ESA)

Waste producers or trade associations could be responsible for providing data on the nature and quantity of waste generated. Trade associations could be encouraged to help their members with data collection (BIPA).

Waste data should be used to plan new waste management facilities (Thames Water).

Summary of Discussions with Regulatory Authorities

A summary of the discussions held with the different Regulatory Authorities and SWAG are provided after this summary. The key issues raised in the discussions were:

Current System

The definition/classification system is complex and the definition should be based on the HWL. This would remove the problems associated with the relationship between "hazardous" and "special". In addition the relationship with the CHIP Regulations can cause difficulties in classification.

The current paperwork system places a significant burden on the Regulators (especially the carrier's round procedure), which can impact on the ability to resource other activities such as producer visits. In addition concerns were raised over the difficulty of verifying the quantity of waste moved under the succession procedure.

Pre-notification may not now be necessary, due to Duty of Care and increased controls through waste management licensing. Removal of prenotification would also eliminate some of the problems experienced with carrier's rounds and asbestos removal. Although the Environment Agency did consider pre-notification important as it provides an opportunity to intervene if necessary. It was also felt that the notification system should require waste producers to be notified of the deposit/receipt of the waste in order to "close the loop".

The two sets of Regulations (i.e. GB and NI) cause problems, firstly because it results in two fees and secondly it makes it difficult to track consignments. It may be an option to introduce a consignment note that allows multiple carriers, similar to Transfrontier Shipment consignment notes.

The level of compliance was generally considered to be high, although it was observed that this is difficult to prove. In addition current regulatory effort is focused on those who are attempting to comply with the Regulations and future measures need to change the emphasis to focus on those not attempting to comply.

Future Options

It was felt that the current Regulations cannot achieve strategic objectives and that they were not designed to facilitate waste prevention and recovery. Future controls need to encourage BPEO of hazardous/special waste.

The Landfill Directive is likely to have a greater effect on regional issues than SWR as limiting the capacity of hazardous wastes at landfill may be a significant driver for change.

The Regulatory Authorities felt that future controls need to place more responsibility on the waste producer, as this is more likely to deliver strategic objectives. Measures such as producer registration or producer responsibility could be used, with producers providing information to the Regulators on the wastes that have been consigned. The Regulators could then focus their activities on producer audits or "cradle to grave" audits. Fees for such schemes could be based on the type or quantity of waste or the treatment/disposal method used. However, SEPA felt that methods of motivating producers through an incentive scheme would be more beneficial than imposing charges.

SEPA raised the option of introducing controls on the production processes to reduce the quantity of hazardous waste generated, probably thorough IPC/PPC. This would involve visits to special waste producers to provide them with guidance and advice on BPEO.

IPC/PPC Regulations will place an obligation on the permit holder to reduce quantities of waste. A similar obligation could be placed on special waste producers to reduce the quantities of special waste (where they are not already affected by IPC).

Special Waste Advisory Group (SWAG)

Current System

Issue over not notifying Commission of addition hazardous waste, resulting from Regulation 2.2. The HWD definition should be implemented directly. However, guidance would be needed on the interpretation and use of EWC/HWL. Entries on the HWL could be made an absolute definition, unless contrary can be proved.

The distinction between special and hazardous is a problem and is likely to cause problems with future legislation.

The two sets of Regulations (i.e. GB and NI) causes problems, especially the requirement for two consignment notes.

Clarity is need over the definition of transit, as wastes have been known to move from the NE to the NW in transit to SW.

There is a lack of awareness between the SWR and CPL/CDG controls. The transport controls under SWR could be transferred to transport regulations, as there are clear parallels and there is a range of documentary requirements under transport controls, hazardous waste tracking would not add a great additional burden to transport controls. It would have effects on WML Regulations, in terms of acceptance criteria. Competency requirements could be placed on hazardous waste carriers to ensure they understand the issues and requirements related to waste management. The competent authority for the transport of hazardous waste could be changed to HSE.

Waste companies currently control the system, and take responsibility for producers. The ability for waste producers to sign consignment notes should be removed. The problem is associated with the titles “consignor” and “furnisher”, which should be changed to “holder”.

The current system works well mainly because the waste management industry makes it work, this is because they see it as an opportunity to make money by adding a premium to a waste that may be special. An associated issue is the over notification of waste or the notification of non-hazardous waste. Examples were given of contaminated land being consigned as special from the site of production and the disposed of as not special.

The 3 day prenotification requirement cause a problem with asbestos wastes.

24 hour rule on carrier’s rounds does not really work.

Completion of consignment is variable: estimated that 95% of notes have a problem in terms of completion, however only 5% have real problems.

Major problem areas at present are the dry cleaning and photographic industries.

Future Options

Pre-notification could be eliminated with the controls being placed on licensed sites and a strengthened Duty of Care, to ensure that only permitted wastes are accepted. Waste producers should be notified of the deposit/receipt of the waste to "close the loop". Adequate facilities for hazardous waste may cause short-term problem with LFD.

Current regulatory effort is focus on those who are trying to comply with the Regulations (i.e. those consigning special wastes), future measures need to change the emphasis to focus on those not trying to comply.

IPPC Regulations place obligation on the permit holder to reduce the quantities of waste, a similar obligation could be placed on special waste producers to reduce the quantities of special waste.

The principles of DPW (1972) may be an option, i.e. all wastes are hazardous unless the contrary can be proved.

Education and promotion is needed especially for the producers at the "bottom of the pile" i.e. small scale producers.

Responsibility could be placed on waste producers to inform the Regulators about hazardous waste arisings and movements

A producer responsibility scheme could be introduced for special waste, with producers having to register and pay a fee based on the amount and hazardousness of the waste generated.

Scottish Environmental Protection Agency

Objectives

In terms of implementing the requirements of the HWD, it was felt that the current Regulations generally achieve the provisions.

The regulation of clinical waste incinerators was raised and the view expressed that they should be regulated as hazardous waste incinerators.

It was felt that the current system maintained the controls imposed by the 1980 Regulations and they achieved a cradle to grave audit system.

Problems were being experienced with the disposal of asbestos and it was felt that the resulting illegal disposal was as a result of the definition.

The system does ensure that records are kept but the quality of the records is not guaranteed.

In terms of achieving future strategic objectives, it was felt that the current Regulations can not achieve the objectives and they were not designed to do so. It was felt that the Landfill Directive will be more effective in achieving the objectives set, than any new special waste controls.

It was felt that it was difficult to determine if full cost recovery was achieved because it depended on the interpretation of “administration of the Regulations”.

Current System

The main problem experienced with the classification system was the classification of bonded asbestos as special. The system is also complex

Prenotification may not be necessary now, and it is the area that causes the most problems with carriers rounds. If there was no prenotification on carriers round it would remove the need for carriers to notify a long list of potential collections. It could also prevent illegal disposal if small quantities from new producers could be collected without having to wait 3 days. Prenotification can also cause problems for the movement of special waste from islands.

The fact that there is no *de minimis* also can cause problems.

The charging for consignment note codes works and is probably the only workable option under the current system.

The level of compliance is a difficult thing to assess because it is difficult to prove a negative. But it was felt to be generally high, especially with those who were aware of the Regulations.

Future options

There is clearly an opportunity through IPPC to promote sustainable production as a method of reducing the quantities of hazardous waste. However this would not cover all special waste producers.

The focus of any new controls should be on the producers, with methods of motivating them possibly through an incentive scheme as opposed to charges. However places the responsibly on the producers could lead to an increase in illegal disposal.

More focus should be placed on the production process through the waste minimisation programme and product control methods. The argument that the production methods cannot be changed is not necessarily true, the paint industry said for along time that organic solvents could not be removed but now there is a wide range of water-based paints (VOC legislation).

Hazardous household waste could cause problems in the future and it will be difficult to change the attitudes of the public (general issues about households segregating wastes)

Licensing of producers and partial bans on certain disposal routes could work as a method of reducing arisings. However it was feel that it would be more beneficial to visit special waste producer and provide them with guidance and influence them on BPEO. The focus should be to work with industry to reduce hazardous waste and this should be provided more as a service that an inspection.

The best data on arisings is obtained from producers and this could be done as a requirement on producer and through surveys or visits. It may be appropriate to target producers who generate more than 100tpa.

No regional/geographical issues were raised (many covered in amendment regs).

General comment: is 200,000 tpa of special waste significant in comparison to environmental issues caused by waste in general.

Environment & Heritage Service (Northern Ireland)

Current System

There is not enough emphasis in the current system on:

- Producers
- The environment, and
- The cost.

The current system results in a "paper trail" for the regulators, with the regulators chasing the people who are trying to comply.

Under the successions procedure, there is no method of knowing how many consignments have moved.

The definition should be based on the HWL and this would remove the problems associated with the relationship between hazardous and special. The current definition results in too many "grey" areas.

The term "consignor" takes the responsibility away from the waste producer.

Current Regulations will not achieve the future strategic objectives.

There is not a strong enough emphasis on producer visits.

It is felt that prenotification does not serve many significant purpose.

There are problems associated with the port being the consignee and a new consignment note being raised at the port of destination. Firstly because it results in two fees and secondly it makes it difficult to track consignments. It may be an option to introduce a consignment note that allows multiple carrier, similar to TFS notes.

In NI there are not many carriers rounds, however the rule for the extended round are being bent in terms of period and quantity. However, carriers rounds have made a positive impact on the collection and disposal of oil and oil filters.

Difficult to estimate the level of compliance, it was felt that it had increased from those who are actually notifying. However, compliance was felt to be poor in terms of batteries.

Future options

A possible system would be for the producers of waste to notify the regulators of the types and quantities of waste the intend to move and then use a self-regulation system to ensure waste move to the appropriate sites. Regulators would then monitor and inspect producers. The producer would pay a fee based on the hazardous nature of the waste, the quantity and the treatment/disposal route used. The tracking systems in terms of notes would be maintained with the exception of pre-note.

Future controls need to encourage BPEO, which is not done at present.

LFD is likely to have a greater effect on regional issue than SWR. Limiting the capacity of hazardous wastes at landfill may be a significant driver for change.

Future systems should improve the overall monitoring of the hazardous waste. It is felt that at present it is not known who is producing different waste steams and what the nature of the material is.

The cross over with other legislation can cause difficulties in the classification process.

It was felt that there is a need for a de minimis.

If producers are required to provide information on hazardous waste, it is likely to still cause problems in generating data, but it may be more accurate.

The controls on the onward movement of hazardous household waste that is bulked up at CA sites need to be clarified.

Environment Agency

Current System

The Environment Agency handles approximately 750,000 notes per year, which equates 550,000 shipments (a carriers round is on shipment). It is estimated there are about 150,000 waste holders (this fluctuated). The income is in the region of £8.5million.

Carriers Rounds currently place a large administrative burden on the Agency, with 11% of the consignment notes requiring 38% if the effort. Other comments on carriers rounds included:

- On some carriers round only one collection is made.
- The average number of pick ups on a round is between 6 and 10.
- Prenotification could be maintained for carriers but the need to provide a list of the potential producers removed.

The Agency currently tries to place equal weighting on all notes, however this may need to change because of the burden of the carrier round documentation. It may be possible to have a *de minimis* level for when carrier's rounds do not need to prenotify.

The current system works well because the waste management companies use the system as a means of making money.

Pre notification is still considered to be important as it allows the Agency to intervene and it makes the waste seem more important (places a premium on the waste). There are currently around 200,000 prenotes received (including faxes) which equates to 150,000 actual prenotifications.

Successions can be difficult to verify.

Contaminated land notification can be a problem with wastes being consigned as special and then handled as non-special.

Future options

A possible alternative future option would be to:

- Require producers to pre-register with the Agency, and send returns on the Agency on a periodic basis (6 months) of the wastes that had been moved. The pre-registration would include the producers identifying the wastes and the intended site(s). A fee would be payable at the pre-registration phase.

- Waste holders would need to prenotify the waste management facility of the arrival of a waste.

- Waste would still move with consignment notes, with the prenotification copy being replaced by a copy that is returned to the producer, to "complete the loop".

- Waste management facilities would also provide returns on the special waste received.

- Agency would focus its activities on cradle to grave audits starting with the producer.

The relationship with CHIP needs improving by:

- Ensuring current versions of the ASL are used when published.

- Using the concentration threshold within ASL (acetic acid example).

- Using conventional method to classify preparations.

An alternate approach to definition/classification was suggested:

- If a waste is on the HWL, it is hazardous unless the contrary can be proved (which would be notified to Regulators/Departments)

- If a waste is on EWC(but not HWL), it is non-hazardous

- If a waste is not on either the waste would be hazardous, unless the contrary can be proved

Summary of Waste Management Industry Consultation

The views of the waste management industry were obtained using two different approaches:

- a workshop with selected representatives from the waste management industry. A report on the structure of the workshop and the issues raised and discussed is presented in Appendix 6a.
- telephone interviews with 10 smaller companies selected regionally. A list of the companies contacted and a summary of their are provided in Appendix 6b.

Key issues and views expressed are were as follows:

Achieving Objectives

The second tier of the Special Waste definition (Regulation 2(2)) is not used in other European countries, with other countries basing their classification system purely on the HWL.

The need for the Agencies to carry out producer visits is important. The view was expressed that there was not sufficient onus placed on the waste producer.

It was considered that the current SWR do maintain the previous controls and in some areas the controls are more stringent. However the need to maintain all of the previous controls was questioned as other legislation (i.e. Duty of Care) may make some controls, e.g. pre-notification, redundant.

The focus of the controls were questioned in terms of achieving environmental protection as opposed to providing a classification and notification system, which is the case at present.

It was generally agreed that the current system does provide a good audit trail for tracking the movement and disposal of special waste. However the system can break down in certain circumstances (e.g. waste moving through transfer stations).

In terms of achieving future Strategy objectives, it was felt that the current SWR were not designed to facilitate or encourage waste minimisation and resource recovery. However simply as a means of controlling hazardous wastes, the SWR worked well.

Applying the proximity principle may cause problems in Northern Ireland, parts of Scotland and Wales and the SW of England due to the lack of facilities for handling special waste.

Current Controls

The classification system is considered to be very complex, with the main issues being:

- "Over notification" because it can be more cost effective to notify than analyse to demonstrate that a waste is not special.
- Waste management industry uses professional judgement (with a degree of conservatism) to decide if a waste is special, as opposed to a detailed scientific assessment (again because it is more cost effective). This tends to result in some non-special wastes being classified as special on the precautionary principle.
- The UK should move away from classifying waste as special and use the European hazardous definition for consistency with future legislation.
- Waste producers often lack the information/knowledge to classify correctly.
- The links with the CHIP and CDG Regulations are often inconsistent.

Notification system
The main comments about the current notification system were:

- The cradle to grave tracking system is seen as important
- Prenotification is considered to be unnecessary as a result of other controls that have been introduced (e.g. Duty of Care and waste management licensing)
- Producers should take responsibility for the description of their waste.
- Carriers rounds were considered to be too complex
- The system places a significant burden on the Agencies and resources could be better deployed on producer inspections
- Movement of waste between Northern Ireland and the rest of the UK should only need one consignment note (not two as at present).

Cost recovery system

- For small arisings of special waste the costs can be disproportionate to the quantity of waste being handled and can result in illegal disposal.
- Costs currently provided little or no incentive to industry for recovery, recycling or waste minimisation.

Level of compliance
It was felt that is difficult to determine the level of compliance, as there are no definite performance measures and the Agencies should have the best idea of the overall levels of compliance. However it was felt that:

- the majority of special waste is consigned;
- generally only a small proportion of waste producers are unaware of the requirements. However in Northern Ireland is was felt that awareness of regulations is still not that high and the perceived costs of compliance are acting as a barrier to compliance.

Future Options
To achieve more sustainable hazardous waste management and Strategy objectives, it was felt that future controls need to be focused on the waste producers. A number of possible future options were identified:

- Removing waste management options from the bottom of the waste hierarchy for certain hazardous wastes,
- Specify treatment/disposal routes for different types of hazardous waste based on the BPEO for that waste stream.
- Place a duty on hazardous waste producers along the lines of producer responsibility, i.e. they must recover and recycle a proportion of hazardous waste generated.
- Require hazardous waste producers to register and notify the quantities of waste that have been handled within a specified period.
- Controls could be focused on the pollution risk associated with a waste stream, with a notification system that has different levels of control, based on the pollution risk posed by the waste.

It was recognised that there are drawbacks with each of the options and each option would need to be given some additional consideration to identify the advantages/ disadvantages.

In terms of providing incentives to encourage waste minimisation, recycling and re-use, a tier-charging scheme could be used based on:

- the quantity;
- the nature;
- the treatment/disposal route; and
- the physical location of facilities.

The impact of such a scheme on illegal disposal would need to be considered.

Appendix 6a

Waste Management Industry Workshop 3rd February 2000

Attendees

Gill Weeks	Cleanaway Ltd
Peter Clarricoats	Cory Environmental Ltd
Derek Greedy	Hanson Waste Management
Paul Ramsden	Oil Recycling Association
Peter Brookfield	Orcol Fuels Ltd
Keith Roberts	Safety Kleen (UK) Ltd
Beena Tanna	SARP UK Ltd
Tony Price	Shanks & McEwan
Grant Dennis	Specialised Waste Services

Apologies

Simon Rutledge	Biffa Waste Services
David Baker	SITA
Waste Recycling Group	
UK Waste Management Ltd	

Facilitators

Nigel Naisbitt	Enviros Aspinwall
Ash Sharma	Enviros Aspinwall
Bob Gregory	LQM Ltd

Aims and Objectives

The aims and objectives of the workshop were to:

- evaluate the current special waste system against its objectives;
- evaluate the operation of the current system;
- examine possible alternative options for the future; and
- provide the industry with an opportunity to put forward ideas.

Structure of the Workshop

The day was split into three discussion sessions:

- Achieving Objectives
- Current Controls
- Future Controls

The attendees were split into three groups and each of the groups discussed each of the topics listed above. The facilitators led a different group in each of the discussion sessions.

The full output from the workshop is attached and represents the views and opinions expressed by each group on each of the discussion sessions. A summary of key issues and opinions for each of the discussion sessions is set out below.

Summary of Key Issues and Options

Achieving Objectives

Implementation of the Hazardous Waste Directive (HWD)

The focus of the controls were questioned in terms of achieving environmental protection as opposed to providing a classification and notification system.

There is nothing in the current regulations that requires quantities of special waste to be minimised and promote the waste hierarchy, which members of the group understood to be part of the Directive requirements. It should also be remembered that treatment to reduce the hazard, volume reduction or recycling (all of which will help towards minimising special waste arisings) are requirements of the Landfill Directive.

The second tier of the Special Waste definition (Regulation 2(2)) is not used in other European countries, with other countries basing their classification system on the HWL.

The need for the Agencies to carry out producer visits is important. The view was expressed that there was not sufficient onus on the waste producer to reduce the volume of special waste arisings or the hazardousness of waste i.e. by not mixing wastes.

Maintaining previous controls

It was considered that the current Special Waste Regulations (SWR) do maintain the previous controls although in some areas the controls are more stringent. However the need to maintain all the previous controls was questioned as other legislation (i.e. Duty of Care) may make some controls redundant, for example prenotification.

Achieving a cradle to grave audit trail

The current system does provide a good audit trail for tracking the movement of special waste. However the system can break down in certain circumstances (e.g. waste moving through transfer stations).

Deterring illegal disposal of hazardous waste

There was no consensus between the Groups. However it was felt the requirements of SWR does not necessarily deter illegal disposal but they do, however, raise awareness with producers which does reduce illegal activity.

Ensuring disposal records at landfills are kept

It was felt this was generally achieved through waste management licensing.

Achieving full cost recovery for the administration

The workshop members did not feel qualified to answer this question.

Current Controls

Classification of special waste
The classification is considered to be very complex, with the main issues being:

- "Over notification" because it can be more cost effective to notify than analyse.
- Waste management industry uses professional judgement (with a degree of conservatism) to decide if a waste is special, as opposed to a detailed scientific assessment (again because it is more cost effective). This tends to result in some non-special wastes being classified as special on the precautionary principle.
- The UK should move away from classifying waste as special and use the hazardous definition for consistency with future legislation.
- Waste producers often lack the information/knowledge to classify correctly.
- The links with the CHIP and CDG Regulations are often inconsistent.

Notification system
The main comments about the current notification system were:

- The cradle to grave tracking system is seen as important
- Prenotification is considered to be unnecessary as a result of other controls that have been introduced (e.g. Duty of Care and waste management licensing)
- Producers should take responsibility for the description of their waste.
- Carriers rounds were considered to be too complex
- The system places a significant burden on the Agencies and resources could be better deployed on producer inspections

Cost recovery system
- For small arisings of special waste the costs can be disproportionate to the quantity of waste being handle and can result in illegal disposal.
- Costs currently provided little or no incentive to industry for recovery, recycling or waste minimisation.

Level of compliance

It was felt that is difficult to determine the level of compliance, as there are not definite performance measures and the Agencies should have the best idea of the overall levels of compliance. However it was felt that:

- the majority of special waste is consigned;
- a small proportion of waste producers are unaware of the requirements

Future Options

In terms of achieving future Strategy objectives, it was felt that the current SWR were not designed to deliver waste minimisation and recovery. However as a means of controlling hazardous wastes, the SWR worked well.

To achieve more sustainable hazardous waste management and Strategy objectives, it was felt that future controls need to be focused on the waste producers. A number of possible future option were identified:

- Removing waste management options from the bottom of the hierarchy.
- Specify treatment/disposal routes for different types of hazardous waste based on the BPEO for that waste stream.
- Place a duty on hazardous waste producers along the lines of producer responsibility, i.e. they must recover and recycle a proportion of the hazardous waste generated.
- Require hazardous waste producers to register and notify the quantities of waste that have been handled within a specified period.
- Controls could be focused on the pollution risk associated with a waste stream, with a notification system that has different levels of control, based on the pollution risk posed by the waste.

It was recognised that there are drawbacks with each of the options and each option would need to be given some additional consideration to identify the advantages/ disadvantages.

In terms of providing incentives to encourage waste minimisation, recycling and re-use, a tier-charging scheme could be used based on:

- the quantity;
- the nature; and
- the treatment/disposal route.

The impact on illegal disposal of such a scheme would need to be considered.

Discussion Session 1 - Achieving Objectives		
Group A	**Group B**	**Group C**
Implementation of the Hazardous Waste Directive (HWD) The view was expressed that it is the Government's role to determine if the HWD has been implemented. The industry aims to comply with the measures that are put in place within the UK. It is understood that second tier of the Special Waste definition (Regulation 2(2)) is not used in other European countries, with other countries basing their classification system on the Hazardous Waste List (HWL). This results in a non-uniform definition across Europe, which could place UK industry at a disadvantage. The focus of the controls were questioned in terms of achieving environmental protection as opposed to providing a classification and notification system. There is nothing in the current regulations that requires quantities of special waste to be minimised, which members of the group understood to be part of the Directive requirements. The need for the Agencies to carry out producer visits is important.	*Implementation of the Hazardous Waste Directive (HWD)* Hazard identification is patchy – consistency of approach depends on the level of information required by the Agency Area. Mixing of wastes is still not properly addressed/regulated by Agency guidance. Disposal companies do refer to the HWD for some wastes to identify/establish/clarify disposal routes. It was felt that if the consignment note system and reporting requirements were changed, a period should be allowed for transition, as the cost of changing systems is substantial. Some companies have only just got used to the new system.	*Implementation of the Hazardous Waste Directive (HWD)* Concerns were expressed over the movement of wastes, including transfrontier shipments. Examples were quoted of approximately half the waste oils burnt in UK power stations being imported and secondary liquid fuels sourced from UK wastes being shipped as far as Sweden.
Maintaining previous controls It is considered that the current SWR do maintain the previous controls. However the need to maintain all the previous controls was questioned as other legislation (i.e. Duty of Care) may make some controls redundant, for example prenotification.	*Maintaining previous controls* Controls are tighter than under COPA (SW) Regulations. There are a minimal number of wastes (mainly certain strength acids) which were special under the COPA (SW) Regulations that are not special now, and vice versa. SWR96 requirements/Agency technical guidance/policy guidance for a few waste streams seems over prescriptive or petty: Oily wastes (too severe) Asbestos cement (too severe) De minimis (is needed for everything) Cement kiln dust (no guidance) Deregulation would make control worse, not better.	*Maintaining previous controls* The view was expressed that the SWR had maintained but not necessarily improved the controls provided under previous regulations.

Discussion Session 1 - Achieving Objectives		
Group A *Achieving a cradle to grave audit trail* The current system does provide a good audit trail for tracking the movement of special waste. However the ability to track waste, from cradle to grave, can break down when consignments move through third parties such as transfer stations.	**Group B** *Achieving a cradle to grave audit trail* The current system is fine.	**Group C** *Achieving a cradle to grave audit trail* Record management for the consignment was cited as an administrative burden with onerous storage conditions, although there was also some recognition in the group that it was a necessary evil. The view was expressed that there was not sufficient onus on the waste producer to reduce hazardousness of waste ie by not mixing wastes. Examples were cited of waste producers adding chlorinated solvents and other special wastes to waste oils. This was reinforced by (a common theme throughout the day) a general sentiment of the EA being inconsistent in its application of regulations.
Deterring illegal disposal of hazardous waste The group felt this was difficult to comment on, as it was difficult to quantify the level of illegal activity. However they did consider (although not quantifiable) that: • prenotification did not deter illegal disposal; and • cost recovery system had increased illegal disposal at the bottom end of industry (i.e. small scale producers).	*Deterring illegal disposal of hazardous waste* The SWR do not deter illegal disposal. SWR do seem to have put some 'cowboys' out of business, but the threat of enforcement does not always work on smaller companies. Disreputable companies will still take a chance, and the Agency seems to only prosecute the big companies who put their hands up and admit (sometimes) their mistakes. Small waste producers in particular are most likely to flaunt the Regulations, if they see the cost of disposal as prohibitive.	*Deterring illegal disposal of hazardous waste* There was recognition that the SWR had to a great extent achieved its objectives in respect of deterring illegal disposals, not least by raising the awareness in many waste producers, although the SME sector was still underperforming. Treatment operators at the lower end of the market are continuing to operate at lower standards than the rest of the industry. These operators are finding favour with cost sensitive waste producers. More rigid policing was required. It was argued that prices had not risen to the point where the investment needs of the waste management sector could be profitably covered, due to the continuing issues of lower standards.
Ensuring disposal records at landfills are kept It was felt this was generally achieved through waste management licensing.	*Ensuring disposal records at landfills are kept* Disposal records are usually well kept, but the marking of maps with a '×' seems unnecessary in today's well engineered landfills, and we have forgotten why we originally were required to do this.	*Ensuring disposal records at landfills are kept*
Achieving full cost recovery for the administration of the Regulations The workshop members did not feel qualified to answer this question. However some members did consider the £15 fee to be too high and it did not encourage recovery and recycling of special waste.	*Achieving full cost recovery for the administration of the Regulations* The workshop members did not feel qualified to answer this.	*Achieving full cost recovery for the administration of the Regulations* In respect of cost recovery, one operator was concerned that it was unfair that consignment notes are required and charged for twice i.e. once from the waste producers to operator, and again once the material was bulked up and sent for onward shipment. This was causing some problems in the highly competitive waste oils sector where most wastes were accepted FOC.

Discussion Session 2 - Current Controls		
Group A *Classification of special waste* There was some concern over the issue of "over-compliance" whereby wastes were consigned using the precautionary principle. This was deemed by some as an additional cost on UK manufacturing industry, since Regulation 2(2) deems some waste special which are not hazardous in other parts of Europe. There was considerable debate around definitional issues such as Coding. The UK Waste Classification was now in its 16th draft and appears to require some additional amendments (being reviewed by Hillman Mills Associates). For example, there are problems with for example, defining pharmaceutical wastes, mixed wastes where compositions vary and limits on water content. One delegate felt strongly that SWR96 should be risk based rather than hazard based, but recognised this was a deliberate shift in policy from COPA to the SWR.	**Group B** ***Classification of special waste*** The classification is considered to be very complex, mainly due to the links with the CHIP Regulations (which are designed for the supply of materials). This complexity: • Can lead to over notification because it can be more cost effective to notify than analyse; • Can results in the waste management industry using professional judgement to decide if a waste is special, as opposed to a detailed scientific assessment. Again, this is mainly due to cost implications of fully classifying a waste as special. An example of a waste where judgement is commonly used would be an interceptor waste. As key European Directives place controls on hazardous waste, the UK should move away from classifying waste as special and use the hazardous definition. However it is recognised that the HWD lays down the minimum standards and if it is necessary to go beyond that definition it should be on specific environmental protection grounds and not just a "catch all" clause. Analytical techniques can make it difficult to classify waste as special, for example the classification of excavated contaminated land.	**Group C** ***Classification of special waste*** Producers do not usually have the knowledge to classify wastes correctly. **Hazards are usually filled in correctly (by carriers etc).**

Discussion Session 2 - Current Controls

Group A

Notification system

It was felt that the consignment procedure causes significant administrative issues for the EA and that such resources could be better deployed elsewhere, such as improved inspections, educating waste producers etc

It was considered that an electronic tracking or internet based system could be considered, but no firm ideas were discussed as how this could be achieved.

The wealth of information generated by the EA was considered a black hole in which little was retrieved. This lack of transparency was a source of some concern later in the discussions also.

The idea of registering waste producers and charging against an account was raised.

Group B

Notification system

Prenotification is considered to be irrelevant as a method of preventing illegal disposal at licensed facilities. This is because "Duty of Care" and improved waste management licensing controls makes it unlikely that those attempting to comply with the system would deliberately notify a waste to an unsuitable site. In addition if a waste was incorrectly notified, it should come to light at the receiving facility where "Duty of Care" and licensing controls should prevent acceptance.

Prenotification can result in general descriptions being used for successions and if prenotification was not required it could result in improved waste descriptions.

The requirements of the notification system can lead to illegal disposal of special waste, mainly in relation to the disposal of small quantities and small-scale producers.

The cradle to grave tracking system is seen as important and it helps both the waste management industry and the Agencies determine what has happened to a particular special waste. In addition it prevents unscrupulous carriers taking special waste to the wrong places.

The current notification system should help produce good statistics however this it will reflect wastes that are notified as special as opposed to wastes which are actually special.

Group C

Notification system

Prenotification:

It is presumed that prenotification was designed under a previous regime to ensure that wastes would not be moved to disposal sites not suitable for the waste – this is no longer necessary as the consignment note also achieves this.

Description of wastes by producers is often too loose.

Administration errors at this stage can lead to big delays in collection, transport and disposal and can tie up e.g. tankers at waste producer's sites.

Mis-description by the waste producer is not an offence until the waste is moved – by the carrier who may then be liable.

Posting of the prenotification note is not always taken as proof of prenotification by the Agency, even if legally it is.

Non-rejection of the prenotification within the 72 hour prenotification period is not always seen by the Agency as tacit acceptance of the suitability of the load for disposal at the nominated site.

Consignment:

Generally fine. The use of the postcode in the SWAT system can cause difficulties.

Producers should take responsibility for the description of their waste.

Carriers should then be responsible for the safe carriage (to disposal/treatment/TS site).

The onus to keep paper copies is greatest on transfer stations and treatment plants – since these treated under the Regulations in the same fashion as full disposal sites, i.e. to keep records until the site license is successfully surrendered.

Familiarity with the system:

This comes with frequency of use – not always there with small producers.

Carriage:

This should be done under the CDG CPL Regulations – not the SWR – as it is already for non-waste bulk materials. There is no real difference between these and waste materials.

CDG CPL also ensures the right vehicle is used for the job.

The driver has to carry the consignment note and the relevant CDG CPL carriage note, so there is unnecessary replication.

Difficulties may occur if vehicles (i.e. tractor units) are changed en route.

Discussion Session 2 - Current Controls		
Group A	**Group B**	**Group C** The boundaries of regulation are sometimes blurred. If a vehicle is stopped the following authorities are usually involved: • Police • Vehicle Inspectorate • DSS (if the driver is legally working or not) • Agency (if the load is waste) • HSE (if the load is not waste) (often it is both Agencies in attendance). Carrier rounds could be simplified if they were worked in the same fashion as e.g. parcel carriers use (signing individual loads on and off the vehicle).
Cost recovery system It was queried whether the EA over-recovered costs, and whether these costs were hypothecated to special waste controls. No transparency over the process. The charging of the same prices for numbers code with or without the printed forms was considered unfair, given the printing costs of the forms. There were concerns voiced over the uniformity of cost recovery across Europe, particularly for multinational companies.	***Cost recovery system*** For small arisings of special waste the costs can be disproportionate to the quantity of waste being handled and can result in illegal disposal.	***Cost recovery system*** It was felt that as this became more complicated, costs would go up. Costs are little or no incentive to industry for recovery, recycling or waste minimisation. Costs impact most on small quantity waste producers, who are most likely to flaunt the regulations.

Discussion Session 2 - Current Controls		
Group A *Level of compliance* There was no agreement over whether the SWR had influenced levels of compliance. This was perceived as an issue for the EA.	**Group B** ***Level of compliance*** It was felt that is difficult to determine the level of compliance, as there are no definite performance measures and the Agencies should have the best idea of the overall levels of compliance. However it was felt that: • the majority of special waste is consigned; • a small proportion of waste producers are unaware of the requirements • revenue should be used to track down "real offenders" (i.e. those who do not notify) as opposed to "technical breaches" from those endeavouring to comply. • there can be problems over understanding the hazards of wastes which can lead to incorrect notification. The numbers of prosecutions are considered to be quite low and this is either due to a good level of compliance or difficulties in prosecution. When producers are within the system compliance is considered to be good, however it is difficult to determine how many are outside the control system.	**Group C** ***Level of compliance*** Small quantity waste producers and/or SMEs are most likely to flaunt the regulations, or not be aware of them.

Discussion Session 3 - Future Controls		
Group A *How can hazardous waste controls help to achieve more sustainable management of hazardous wastes in line with Strategy objectives?*	**Group B** This group felt that as a means of controlling hazardous wastes, the SWR worked well. *How can hazardous waste controls help to achieve more sustainable management of hazardous wastes in line with Strategy objectives?* Some level of reduced regulation, supported by additional resources directed toward waste minimisation and awareness building by the EA would be more appropriate.	**Group C** *How can hazardous waste controls help to achieve more sustainable management of hazardous wastes in line with Strategy objectives?* The treatment/disposal of waste will always be driven by the cheapest option and therefore it is likely that economic incentives will be required to achieve more sustainable management of hazardous wastes. The following options were suggested as possible options for increase the sustainability of hazardous waste management: • Removing waste management options from the bottom of the hierarchy. However it was recognised that this may not result in the BPEO for all waste streams. • Building on the first suggestion, treatment/disposal routes for different types of hazardous waste could be specified based on the BPEO for that waste stream. It was recognised that identifying the BPEO for a range of different waste steams may prove difficult. In addition the BPEO may contradict other legislation such as the Landfill Directive. • Place a duty on hazardous waste producers along the lines of producer responsibility, i.e. they must recover and recycle a proportion of the hazardous waste generated. There may be problems with this option as the ability to recovery and recycle hazardous waste is dependent on the waste stream. • Require hazardous waste producers to register and notify the quantities of waste that have been handled within a specified period. The incentive to the producers to reduce their waste arising would be through a charging scheme, which would be based on the quantity, type and treatment/disposal route used to handle the waste. The drawbacks with such a system would include identifying the thresholds at which hazardous waste producers would need to register and how smaller producers would be controlled. • Controls could be focused on the pollution risk associated with a waste stream, with a notification system that has different levels of control, based on the pollution risk posed by the waste. The system would be similar to the current transfrontier shipment controls and charging would be based on the different control levels. Whatever option is identified as the most appropriate for controlling hazardous waste, the burden for compliance with future regulations must be focused on the producer if significant waste reduction and recovery is to be achieved. It may be possible for producers to demonstrate continuous improvement in their management of hazardous waste

Discussion Session 3 - Future Controls		
Group A *Is regulation the most appropriate way to achieve future objectives while maintaining standards of environmental protection?* Self-regulation will not work. It was felt that consistency between the CDG CPL Regulations and the SWR96 was a target to aim for. Consistency across the Agency on how the regulations were to be policed was also a target to aim for, alongside improved internal training for the Agency to aid this. There is a need for more regulation of the waste producer responsibility. An example is special waste in otherwise non-special skip loads. The producers needs to increase their level of awareness/decrease their level of negligence, and/or be educated by the Agency. Source segregation of wastes may be required to achieve this in practice. Producer responsibility could be encouraged along the lines of the US system, with producer registration documents. If registered producers then took responsibility for the consignment note system, this would be a good reason to do away with prenotification completely – indeed prenotification is seen as only giving an additional, non-essential layer of bureaucracy these days. Carriers would then pick up waste from registered producers but the chain of custody required by the current consignment note would not be required because there is already a custody document system operated via the transport haulier's CDG note (note: some special waste is not classified as dangerous for carriage e.g. some pharmaceuticals). The consignment note would be completed at the point of delivery of the consignment to the TS/treatment plant/disposal site, as per the current system. **Charging** A tiered charging system/landfill tax/waste tax was suggested based on: Where you are sending the waste in relation to the waste hierarchy • **Taxing the producer not the carrier to encourage waste minimisation, recycling and re-use**	**Group B** *Is regulation the most appropriate way to achieve future objectives while maintaining standards of environmental protection?* It was agreed that self-regulation would be extremely difficult to achieve.	**Group C** *Is regulation the most appropriate way to achieve future objectives while maintaining standards of environmental protection?* Regulation will be needed in the future and it should focus on the producer of the waste, with inspection of producers being targeted on problem areas as opposed to those trying to comply.
Gathering strategic data on the nature and quantity of wastes	***Gathering strategic data on the nature and quantity of wastes***	***Gathering strategic data on the nature and quantity of wastes***

Discussion Session 3 - Future Controls		
Group A ***and their management*** Industry needs information on this to help them decide how and where to invest in waste (pre)treatment facilities and technologies. The question arose as to whether consignment notes should be kept on the public register. It was felt that this was an all or nothing step, and that the SWAT (or similar) database should be made fully public to achieve this – with either all clients then being known to all carriers/treaters/disposal companies, or if the producers are registered then a list of producers and their registered waste streams would also be a responsible way of managing the data. The issue of waste producers not wanting their wastes to be known to the general public was felt to be the main driver against this policy, rather than the waste industry not wanting this step to be taken. The database, in whatever form, should be interrogatable at a discrete level to help companies plan where to site treatment facilities, either at a grid square level, or by postcode (e.g. NG12), or even at Local Authority level. It was felt that waste arisings at Agency area level was too broad a region to consider. This would encourage an appropriate level and number of treatment facilities to be developed in line with sustainable waste management and the aims of the Landfill Directive.	**Group B** ***and their management*** It was considered that the consignment note system and site returns required by waste management licences would afford excellent data. No improvements were suggested but some feedback or reporting would be appreciated. The view was expressed that consignment notes should be placed on the public register for all companies.	**Group C** ***and their management*** Use an electronic system to track movements of waste, instead of a paper system. This may help improve the accuracy. To increase consistency in the classification, the number of people classifying waste could be reduced. This could be achieved by requiring producers to agree the classification of a waste with the regulator.

Appendix 6b

Summary of telephone interviews with waste management companies

Waste Management companies contacted:

- Effluent Services Ltd (ESL)
- William Tracey Ltd (Tracey)
- Cumbria Waste Management Ltd (CWM)
- Alco Waste Management (Alco)
- Irish Waste
- Cleanaway (Northern Ireland)
- Clearway

Achieving Objectives

Response	Company
Cradle to grave audit trail is not always achievable. Waste is traceable in a landfill option. However if waste goes through a transfer station and between transfer stations it is not always traceable. Landfill records are generally good Not qualified to answer if the regulations achieve their objectives – regulators should be able to answer that	ESL
Special waste system is an agency tool – probably achieves what they want it to Future objectives – unlikely to achieve the aims of sustainable development and the waste hierarchy. Regulations don't promote best practice or waste minimisation. The landfill directive is more likely to achieve a change in behaviour due to the increasing costs.	Alco
The current system has managed to achieve traceability and operates better than the previous system. Special waste regulations can't achieve sustainable development objectives. Planning constraints would be more effective.	Tracey
Regulations do implement the HWD and go further than it's requirements	CWM

Current Controls

Response	Company
UK Waste Codes different to HWD Classification - Technical Guidance document is difficult and cumbersome, but more sensible than the original system. Many customers have trouble with the system so turn to waste company for advice. Link to the CHIP regs means that not everyone has a copy of these regulations. No link with special waste regulations and the carriage of dangerous goods regulations. Enforcement – not sure that the EA read the consignment notes fully and in enough detail. Feels that greater expertise is required within the regulators. Enforcement is the key to the successful operation of the regulations. Compliance – the regulations do not deter some illegal disposal. Easy to check on those who comply but not so easy for those who don't.	ESL
Special waste system easier to use than previous controls. Consignment notes – what codes should be used – EWC or UK hazardous waste list If clients have problems with the regulations then the waste mgt companies help them sort them out, e.g. problems with classification, interpretation, etc.	Alco
Compliance – waste companies help producers with compliance, deal with classification and paperwork for them as part of the service they provide Classification – the guidance on this could be improved. SEPA is working on their own classification system. Currently use EA six figure number, Consignment notes – detail used on notes can vary. Description of drummed waste is often used when material in the drum could be specified, .e.g. acid solvent Pre-notification – why is a three day delay required before moving waste. Have never had any objections from the EA. EA auditing of producers hasn't happened to a great extent. Despite the legal requirement to do so Classification – in cases where analysis needs to be carried out, waste companies can't force companies to carry out testing as don't want to lose the business, another company will take the material away without questions. Therefore content of waste on the consignment note does not always reflect the actual content of the waste.	Tracey
NI – regulations should work satisfactorily, greater enforcement and policing required to enable this TFS/Special Waste Regulations – TFS regulations are much stricter on classification than the special waste regulations. Also less strict on movements of waste between the Republic of Ireland and other EU countries than on movements to the UK Environmental awareness within companies is growing in NI, therefore awareness of special waste regulations will also increase	Cleanaway NI
Situation in NI – still many producers not aware of responsibilities and many not completing paper work correctly. Some movements occurring without correct documentation Movement of waste between Ireland and UK. Need one consignment note for the DOE in Ireland then another one for the EA in England. There is no link between the two notes and may lead to double counting of waste.	Cleanaway NI /Irish Waste

NI – EMS/ISO14000 systems are improving waste management in NI and not the special waste regulations. These management systems enable a cradle to grave approach. Companies are taking the initiative and not the DOE. NI – small companies are lagging behind in compliance and awareness of the special waste regulations NI – Geographical issues. No hazardous waste treatment in NI. Looking to build own treatment plant. Will reduce transport costs. NI – monitoring and control. Should target companies using large amounts of chemicals, etc and audit waste management controls. Aware of waste movements between NI and ROI taking place without TFS documentation	Irish Waste
NI situation – find that it is often up to the waste management companies to educate the special waste producers and not the DOE. Producers are not really aware of their responsibilities	Clearway/ Irish Waste
NI situation – awareness of regulations is still not that high. Is good amongst the larger companies however the smaller companies are still lagging behind. The perceived costs of compliance are acting as a barrier to compliance. Smaller companies don't have in-house resources to deal with the regulations. NI situation – a greater level of enforcement is required from the DOE. Non-compliers are being ignored and attention focused on those who comply. Pick up on details on consignment notes. NI situation – classification system – would like further assistance regarding this. DOE merely advise to carry out analysis on the waste stream	Clearway
Classification – UK classification includes more categories than the HWL. Why have we gone for this system. Should have transposed the HWD as it is. Part load rejection procedures – what is the procedure for this, only guidance on whole load rejection. Do you need a new consignment note. Depends on local EA interpretation in practice Consignment notes – can a different person sign section D to section A&B. This may occur when the producer is not the consigner Definition of premises – needs to be expanded upon. Causes problems for sites close to each other (sites with separate licences). EA decision on this varied between regions. Definition – why are some forms of household waste included – the HWD currently excludes clinical waste from households Charging scheme – could introduce exemptions for small quantities of waste, e.g. <400 kg of waste. Wouldn't effect the waste industry *De-minimis* amounts – suggest an exemption for very small levels of waste. Similar to COPA Test procedures – how do you test for something if it is on the ASL. These tests are not clearly defined. Pre-notification. EA should be required to notify that a movement can take place rather than notify that it can't. Enforcement – EA do not have a duty to do this. Only role is to receive the notes. Enforcement should be improved/increased. Only receive queries regarding minor points on consignment notes. (estimate that <10% of notes are critically checked) Charge system is fair provided paper work and enforcement are carried out to a high enough level.	CWM

Future Controls

Response	Company
Sustainable Development is good in theory but how do you achieve it in practice. The current regulations do not promote the waste hierarchy and waste minimisation. This should be achieved through a total waste minimisation strategy. For example drums that have contained special waste cannot be recycled – EA prefer them to go to landfill. This does not encourage recycling activity. Special waste is also excluded from the PRN system. Proximity Principle – This limits treatment options. If there are no local facilities then what should you do. Some regions/counties have more options than others – there is still an imbalance.	ESL
Monitoring and Control – could develop IT capability a lot more, electronic mail systems used instead of paper systems. Data – currently use data from consignment notes. May be more effective to use the data from waste treatment returns, e.g. landfill sites Sustainable development – cannot be achieved through the special waste regulations. Economic instruments and planning controls are more likely to impact on waste management activities. Regional Issues – Scotland has a lack of treatment facilities and much special waste is transferred to England	Tracey
Proximity Principle – hazardous waste currently transported to England for treatment, mostly to Ellesmere Port. No treatment facilities in Northern Ireland	Cleanaway NI/Clearway
Review seminars were held in NI when the regulations first came into force. Further review seminars are suggested in order to discuss progress and issues arising after regulations have been in place for a period of time.	Cleanaway NI
Data – would be useful to see more data from the EA. Summary data would be useful. Give them a duty to publish information. Sustainable Development – regulations can't achieve SD and promote recycling. Are useful in terms of information and enabling a tracking procedure. Not an instrument for influencing change. Planning policies have greater influence over facilities Regional Issues – BPEO in remote communities is not necessarily to move the materials a long distance. Local circumstances should be considered. Future monitoring and control – PPC regime could be used to influence waste movement up the hierarchy. Encouragement of recycling – could reduce charges for waste sent for recycling and increase charges for waste sent to disposal	CWM

Summary of Special Waste Producer Consultation

A total of 48 companies were contacted to discuss the review of the Regulations, of which 30 made contributions that informed this review. A summary of companies contacted and a breakdown of their responses is provided at the end of this Appendix. The key issues raised are summarised below.

The responses relating the achievement of objectives were limited and the main points were:

- there is confusion over whether special and hazardous waste are the same
- the cost of documentation and disposal should encourage segregation of waste but often result in all special wastes being mixed together.
- waste reduction has been achieved in the lime industry as a result of the SWR.
- the proximity principle will be difficult to achieve.

In terms of current controls:

- The classification system is generally considered to be complex making it difficult to classify waste as special, especially for non-chemists. A number of companies indicated, however, that they had not problems with classification.
- Classification is hazard based but could take account of the physical form of the waste.
- The links with the CHIP and CDG Regulations are often inconsistent.
- The notification system appears to operate satisfactorily, although a number of companies indicated that they rely on their waste management contractor to sort out the paperwork. If the management systems were to be changed producers would like the procedures to be "as simple as possible".
- Generally the cost of consignment notes was considered to be reasonable, with the cost of disposal being more significant. The potential for paying an annual fee was also raised.
- There should only be one consignment note for wastes moving between Northern Ireland and the rest of the UK, firstly because two fees are paid and secondly because it makes tracking of wastes difficult.
- A view was expressed that larger companies comply but smaller companies are often unaware of the requirements or do not comply (particularly in Northern Ireland).

A number suggestions and observations were made on the form of future control measures:

- target resources at monitoring/auditing companies considered the highest level of risk, using an OPRA approach. Information from chemical suppliers could be used to identify companies likely to produce special waste.
- waste reduction is unlikely until disposal becomes much more expensive and industry is forced to consider other options. The Landfill Directive may have an impact in this area.
- Environmental Management Systems (EMS) could be used as a method of monitoring and controlling special waste. BSI and Agency inspections could be linked with incentives for

those investing in EMS or demonstrating improvements. However a number of companies felt that regulation was the most appropriate method of control and it was suggested that hazardous waste controls could be linked to IPC/PPC authorisations.

- Strategic data should be obtained from the consignment note system. One company suggested a data collection system similar to a "tax return".

- Concerns were raised over companies being at a disadvantage due to a lack of waste management facilities within some areas if the proximity principle was applied.

Waste producers contacted:

1. Wedge Group Galvanising Ltd
2. Begg Couslend Company Ltd
3. Boots Group plc
4. Alcontrol Laboratories
5. British Waterways
6. Hickson Timber Products Ltd
7. Kodak Ltd
8. Associated Octel
9. Bodycote Materials Testing Ltd
10. Brush Wellman Ltd
11. Exxon Chemical Ltd
12. Avisia Specialities
13. Evode Ltd
14. Mobil Oil
15. Borden Chemical UK Ltd
16. Buxton Lime Industries
17. Solutia
18. BASF Ltd
19. BG Services
20. Ciba Speciality Chemicals
21. Rock Oil Chemicals
22. James Briggs Ltd
23. Sun Chemicals
24. Surface Technology Plc
25. Arkinstall Galvanising
26. Hereford Galvanisers
27. Chromeco
28. Verichrome Plating Services
29. Great Lakes Fine Chemicals
30. Yorkshire Chemicals Ltd
31. Intercoat Industrial Paints
32. Spencer Coatings Group Ltd
33. Pearl Paints Ltd
34. Hammerite Products
35. Jarvis Porter Group
36. Bowater Business Forms
37. St Ives plc
38. Sidlaw Flexible
39. Dupont (UK) Ltd
40. Norbrook Laoboratories
41. Seageate Technology
42. Galen Plc (Syngal)
43. RFD (NI) Ltd
44. EM Solutions Ltd
45. NK Coatings
46. Coachfinish (NI) Ltd
47. Lindsay Cars Ltd
48. Galvanising Association

Achieving Objectives

Response	**Company**
Confusion exists between whether special waste and hazardous waste are the same thing. Often asked if special waste should be segregated. The extra cost of documentation and disposal should encourage segregation but may mean that all special wastes are mixed together. This does not help towards achieving a reduction in special waste arisings and reducing the hazardousness of the waste.	Evode
Proximity Principle - may not be easy to achieve. Treatment facilities do not necessarily exist within all local areas. Charges vary within the waste management industry so the decision of where to send waste is often based on minimising costs rather than geography.	Esso
Waste reduction being achieved in Lime industry as a result of special waste regulations (and the landfill tax). Try and re-use wastes in process wherever possible to reduce disposal costs. (For example re-use of lime from flue gas cleaning as a low grade alkaline).	Buxton
Regulations are achieving their objectives	Syngal

Current Controls

Response	Company
Classification system is too complex and explanatory documentation does not help simplify the process. Can lead to errors in classification. This leads to increased business for waste management companies Better guidance on *de-minimis* levels should be included. Should aim to reduce these levels as progress is made. This would increase the amount of hazardous waste but improve recycling.	Evode
Classifications system and consignment notes straight forward and easy to use (have all info on site computer system).	Pearl Paints
Do not like having to pay extra but feel that current charges are fair given work EA must carry out.	Pearl Paints Solutia Begg Cousland
Special Waste Regulations and Waste Transportation Regulations both have different classification systems for waste. Would be easier for both systems to be the same.	
Classification system is currently hazard based. Suggests that the physical form of the waste should also be taken into consideration, e.g. calcium oxide in cement. Cement powder is special waste but once mixed with water is not considered special. Although recognises that movement towards a risk based approach may cause problems.	Esso
Experienced a lack of regional inconsistency between EA decisions regarding definitions of special waste. For example regarding classification of oil in closed loop recycling. The definition of this as special reduces the incentive to recycle and thus defeats the objective of the regulations.	
Classification – still some problems regarding defining special Inconsistency in interpretation of regulations between EA regional offices. For example closed loop solvent recycling	BASF
Classification system generally acceptable, H14 - eco-toxic sometimes causes a problem. Would prefer a smaller guidance document to the current £125 document. Waste Management Paper 28 has also not be re-issued yet. Notification system appears to operate satisfactorily, is simpler than the previous system. Compliance – has probably improved since 1996. However what proof that non-compliance is being detected and monitored. Is easy to check up on those who complete the paperwork. What of those who don't?	Solutia
Confusion and differing interpretation between EA offices regarding classification of recycled solvents Reducing hazardous waste – occurs due to impacts of variety of waste regulations, not just the special waste regulations Compliance – Good amongst the larger companies, still many small companies who are likely to not know about the regulations	James Briggs

Have little special waste, any paper work, etc sorted out by waste contractor. No real problems or issues with the regulations, just pay for waste to be taken away.	Begg Cousland Jarvis Porter Alcontrol
Paperwork and special waste issues sorted out by contractor. Pay for this service	Hammerite James Briggs
The UK should have stuck to the EWC definitions as the basis of the regulations and not added additional categories. Adds additional complications.	Wedge BASF
Notification system works satisfactorily, no real problems experienced	Wedge
Cost recovery – waste contractors charge for completing consignment notes, pass on extra costs on to the consumer, over and above the £15 fee	
Compliance – larger operators are compliant, smaller ones are still avoiding the issue	
Current system means greater costs than the previous COPA system	
System requires adequate monitoring and enforcement, relies on the honesty of the waste originator	Rock
No experience of auditing or monitoring carried out by the EA. Compliance is tied into company EMS rather than pressure from the EA. Therefore auditing could be increased/improved	Mobil
Classification system not logical from a chemists point of view, toxicity data not taken into consideration in classification	Alcontrol
Compliance – the increasing amount of legislation makes it hard to police. SEPA don't assist with information just expect you to comply	Spencer
Definitions – collect empty paint tins from customers, only able to accept tins with <15 cc of paint, very hard to measure on collection rounds. Not easy to adhere to in practice. Doesn't encourage recycling of the paint tins if some have to be rejected. Compliance – enforcement is lacking and not consistent. Still many companies who operate without the correct procedures and paperwork but don't get caught.	Intercoat Paints
As a member of the chemical industry, treat all waste on site as special waste, for simplicity in compliance. Don't want to risk non-compliance Notification system – would not want any changes made to make the system more complicated or require more paperwork. System should be as simple as possible Cost system – cost is acceptable. Has more concern over IPC costs, which is helping to move chemical industry abroad to cheaper locations. Should always take a global view of changes and ensure don't make UK uncompetitive	Great Lakes

Classification and Notification system – have no problems with this and compliance isn't a problem If any changes to this system were made would want it to be as simple as possible, don't want to be overburdened with administration issues Charging – currently acceptable. Also have IPC costs to pay. Suggests an annual fee could be paid rather than per consignment. This may reduce overall cost burden to the business	Galvanising Association
NI - Compliance – Big companies are complying, smaller companies and 'cowboys' are not complying. Small companies are either not aware or the cost deters them. NI - Classification – not so easy for people who aren't chemists. Using codes and numbers is often confusing. Could write flammable, corrosive, etc on consignment notes instead NI -Cost Recovery - £24 consignment note is acceptable, it is the overall cost of disposal that is a problem. NI- waste management companies handle the consignment notes for many of the producers. Producer awareness of the process and requirements is therefore limited.	Syngal
NI – There should only be one consignment note for wastes moving between Northern Ireland and the rest of the UK. Firstly because two fee are paid and secondly because it makes tracking of wastes difficult	Du Pont (NI)

Future Controls

Response	Company
Effective monitoring and control can be achieved by taking an OPRA approach. This would mean targetting resources at monitoring/auditing companies considered the highest level of risk rather than being concerned with making up the numbers. Strategic Data – already exists on EA databases. However could be more effectively used. Can produce figures from the classification codes used on the consignment notes.	Esso
Waste reduction – not until disposal costs become much more expensive will industry look at other options. The landfill directive will have an impact on operations. Most of waste from Wales taken to England. Proximity principle is fine and should encourage local facilities but must allow option to chose the cheapest disposal route. Monitoring and Control – to improve this could include waste management in the IPC licence requirements and auditing process Improved Data Collection – currently not mandatory to put waste classification number on consignment notes. If this was the case then would capture more data. Non-compliance could incur penalties. Use of data from landfill sites may be more efficient – less facilities from which to collect data.	Solutia
Waste disposal still cheap in the UK in comparison to other countries in Europe so companies are not really encouraged to look into recycling. For example, waste acid recycling too expensive at the moment. But if special waste charges increased would look into the possibility Regional Issues – no adequate treatment/disposal facilities available in many parts of the UK. Does not support the idea of sustainable development. Strategic Data – would like to see some of the information collected from the consignment note system. Enable a comparison of sectors.	Wedge
Move from hazard to risk based assessment is a worrying trend Concern over inclusion of treated timber in special waste list	Hickson
Regional issues – costs of dealing with small quantities of special waste in remote areas are high compared to others, so not collected very often. Would be easier to be collected from a central depot.	Mobil
Regulation – instead of using regulation could use an incentive scheme. If people show improvements in waste management then get a discount on costs. Then is up to the producer to demonstrate that improvements have been made rather than relying on policing by EA's. Scotland – geographical issues are important. Special waste must be transported a long way for disposal which increases their costs Waste solvents sent for recycling in cement kilns. Talk of stopping this process	Spencer

Regulation is the most effective way of controlling waste production and env improvements Data – information from consignment notes should be used to provide information on special waste situation	James Briggs
Monitor & Control – Could use the EMS/ISO14001 system to reduce frequency of EA audit requirements. BSI and EA audits could be linked to allow a different frequency of audits. Could also offer an incentive and recognition for investing in EMS Reporting system should allow section 62 notices to be linked to waste mgt company information – close the loop on information Regulation is an effective control but should be combined with EMS independent auditing and financial incentives	Great Lakes
Regional issues – don't want changes that will disadvantage those in remote areas. Don't want to create inequalities within industry sectors due to different disposal options or regulatory pressures. Should endeavour to create a level playing field. Monitor & Control – Should audit all sites. Could combine checks on waste management issues within the IPC audit and control regime. One audit visit would be sufficient instead of two. This would reduce the cost to the companies and the regulator Strategic Data – could have a system similar to tax returns, where information and data is submitted and then is subject to potential audit externally Regulation – This is a necessary process, need a framework within which to enable some level of controls. Otherwise people would do nothing.	Galvanising Association
NI - A regulatory system is good in principle. Just need better enforcement and information provided for producers. Not enough evidence of enforcement Regional Issues – NI disadvantaged by lack of special waste disposal facilities. Most is transported to England. Therefore not a sustainable situation. Risks associated with transport of hazardous waste across water. Traceability of waste is poor once it has left Ireland. Regional Issues – NI also has issue of transfrontier shipment of waste between ROI and NI. Governments should come to some agreement to make waste movements easier NI situation – need more outlets for disposal. Costs deter compliance. Could offer more incentives for recycling of materials and markets for recycling, e.g. waste oils Monitoring and Control NI – need more people to police the system. Could also use information from chemical suppliers on who buys chemicals to target companies who are likely to produce special waste. Would help identify the companies to audit. Cradle to Grave – where does this actually start. Could it start with the people who manufacture the chemicals rather than the producers of waste. Could you create an audit trail from this stage of the process? Alternatives to regulations – could regulate from stage of buying chemicals. Have to notify regulators at this stage of who buys what, e.g. as TV licence people are notified when a TV is purchased. Could monitor disposal based on this information. Companies would need to show compliance.	Syngal

Country	Denmark	
Regulation Reference	Statutory Order No 299 of 30 April 1997 on Waste	
Definition and classification of hazardous waste Including use of thresholds		Comparison with SWR
This order is intended to implement Council Directives 91/156/EEC on waste, 91/689/EEC on hazardous waste, 94/31/EEC on amendments to 91/689/EEC, 87/101/EEC on amendments to 75/439/EEC on oily waste, 94/62/EU on packaging waste, Commission Decision 94/3/EU on a list of waste, and 94/904/EU on a list of hazardous waste. Appendix 1 lists a series of waste categories (e.g. off-specification products). In addition, Appendix 2 incorporates the EWC and HWL in full and classifies as hazardous those waste which are denoted as hazardous and comply with the criteria in Appendix 3 and 4. Other wastes a hazardous if they comply with the criteria in Appendix 3 and 4. Appendix 3 incorporates the Hazards in Annex III of the HWD. Appendix 4 sets percentage limits on hazards by reference to risk phrases for most hazards (excluding infectious, ecotoxic and other), and a single flashpoint value at 55°C. Appendix 5 recommends which wastes are not suitable for incineration. Appendix 6A recommends a wide range of disposal options, including some not practised in the UK (e.g. incineration at sea). Appendix 6B describes recovery operations. Appendix 11 gives limit values for burning oil wastes.		Comprehensive coverage in one set of Regulations of all appropriate EC Directives. Appendix 2 is similar to UK Technical Guidance, but within the regulation. More complete than UK regulations, which have a narrower range of thresholds included, but UK Technical Guidance has a broader range of thresholds covered in total. Not covered in UK regulations or guidance on Special Wastes.
Notification procedures Including form		
Hazardous waste producers must notify the “local council” (assumed to be the competent authority) of the quantity, composition and type of waste. Hazardous waste producers must use the collection service provide by the “local council” unless they can demonstrate they can manage the waste arrangements in an environmental sound manner. This exemption is valid for 4 years.		A single notification would appear to cover a number of plants, transport operations and treatment/disposal options.
Cost recovery		
See role of regulator below.		

Registers/Site records	
Appendix 7 describes enterprises with a duty to record and report. Appendix 8 gives instructions on reporting of waste types, to include: • Date • Serial numbers consecutive for each month • Weights (in kg or tonnes) • Geographic origin • Country code (given in Appendix 10) • Industrial origin (by industry group from a given list) • Source specification (e.g. identification of a waste carrier) • Waste type (from a given list) • Treatment operations (from a given list, including landfilling) • Waste fraction level 1 (non-hazardous wastes and hazardous wastes from a list of both types) and EWC code for hazardous wastes • Waste fraction level 2 (a requirement of certain municipalities assigning disposal operations or for internal use) • Combination lists (certain wastes are allowed to be combined for treatment, and a matrix is provided to identify combinations permitted) Reporting format is set out as a computer file format. Codes are provided for reporting data. Reporting is permitted on diskette, tape or other computer readable media	This appears to cover a wide range of producers, treaters and disposers. More complex than UK reporting requirements. UK only accepts paper copies.
Mixing	
Not permitted between hazardous wastes or with other non-hazardous wastes.	
Offences	
The local council may serve a notice of prohibition with a view to preventing pollution and ensuring waste is reported in a responsible manner, or in order to require regular delivery of hazardous waste to avoid accumulation at individual enterprises. A large number of criteria are available for imposing penalties. Those relevant to hazardous waste management are listed below. Unless higher penalties are specified elsewhere, fines may be imposed for: • Failing to register as a waste carrier • Failing to report waste arisings and deposits • Failing to keep records of waste arisings and deposits • Failing to register waste for disposal, recycling or incineration • Failing to register as an enterprise or report to the Danish EPA • Violation of local council instructions (a large list) • Failure to manage waste according to council regulations/instructions • Failure to use appropriate collection schemes • Failure to report original details or significant changes in waste arisings composition, quantity or type • Failure to obey orders or prohibitions	Almost every article or paragraph in the Danish regulations has a penalty associated with non-compliance either with the requirements of the local councils or the Danish EPA.

• Disregard of conditions in a permit, authorisation or exemption Penalties may be increased to up to two years imprisonment if a violation is committed repeatedly or by gross negligence, and if a violation results in damage to the environment, or actual or intentional financial gain to individuals. Enterprises may incur criminal liability.	
Role of regulator	
To receive: • The descriptions and statistics for collection schemes including recyclables within a municipality. • The descriptions and statistics from landfills and incinerator plants. • Information on the costs of waste management incurred by the local council. • Information on planned investments, operating costs and charges to the Danish EPA Carriers etc are registered with the local Council, and submit their details to the council. Transported wastes may be required to be reported to the Danish EPA in a similar fashion to the site and producer records.	

Country	Finland
Regulation Reference(s)	Waste Act No. 1072 Waste Decree No.1390

Definition and classification of hazardous waste Including use of thresholds	Comparison with SWR
Annex 1 of the Waste Decree defines a series of 16 categories of waste (Q1-Q16) to which this act applies, comprising *inter alia* off-specification, date expired, spilt or contaminated products, residues, spent materials (e.g. catalysts, batteries), substances which can no longer perform satisfactorily, (e.g. sludges, spent filters), discarded household, office or commercial wastes, contaminated material resulting from remediation of soil, and any other discarded material.	These categories are not related to any European classification scheme and are not the EWC wastes.
Annexes 2 and 3 replicate Annexes IA, IB and II of the HWD. Wastes belonging to the categories in Annexes 2 and 3 are considered to be hazardous wastes if they appear on the list of most common wastes and of hazardous wastes" which reproduces the EWC and HWL.	This is similar to UK regulations.
Individual regional environment centres can decide that it is not hazardous (the waste holder must indicate that the hazardous property is not present).	This is similar to UK regulations.
Individual regional environment centres can also decide that other waste is hazardous waste if it has any of the properties listed in Annex 4 (H1-H14) which replicates Annex III of the HWD.	
Annexes 5 and 6 include lists of recovery operations (R1-R13) and disposal operations (D1-D15). The Regulation excludes non-hazardous agricultural, forestry or mining wastes, soil or construction wastes, sewage sludge, septic tank contents or manure for soil improvement. Derogations are permitted for the Defence Forces if national security matters apply to the production of the waste.	These derogations are not quite as broad in scope as UK ones.

Notification procedures Including form	
The regulations read as if a substantial quantity of hazardous waste is shipped into and out of Finland. The Finnish Environmental Institute can submit a notification on the notifiers behalf to the competent authorities of the receiving countries concerned. It is understood that there is a single hazardous waste treatment and disposal facility in Finland, which has an over-capacity. Waste is collected, packaged, labelled and notified as necessary to achieve appropriate waste management and avoid hazard to health or the environment. Hazardous wastes are labelled according to the nature of the waste, the waste holder, safety warnings and waste management organisation involved. Appended to the notification must be a contract with the consignee of the waste.	

must be a contract with the consignee of the waste. Under the Waste Shipment Regulation the Ministry of Environment may decide that any waste on the 'green list' (Annex II of the WSR) may be subject to the same controls as waste on the 'amber list' (Annex III) or the 'red list' (Annex IV). The Finnish Environmental Institute can choose to return waste referred to above to its point of origin. Notification for transport includes the following information: 1. name or trade name of operator, contact name and address 2. details of the operators entry in the trade register 3. a copy of the transport licence 4. a description of the transport equipment 5. type and quality of waste to be collected and transported 6. a description of the region/area of operation	This is the equivalent of the UK consignment note system.
Cost recovery	
The Finnish Environmental Institute collects: • the administrative costs arising from processing and supervising the notifications referred to in the Waste Shipment Regulations (which is the Finnish implementation of Council Regulation EEC/259/93) . • the expenses arising from investigations and inspections prescribed by the Ministry of the Environment. No costs are recovered if recovery is considered unreasonable or inappropriate. The Finnish Environmental Institute can accept a bank guarantee or deposit or insurance that covers any costs incurred from the return or alternative recovery or disposal of waste. Similar costs incurred by the State are collected via the guarantee for the shipment.	
Registers/Site records	
Notification in the waste data register of operations for waste recovery or disposal include: 1. name or trade name of operator, contact name and address 2. extract from the trade register 3. information on the location of the waste recovery or disposal facility 4. type, quantity, quality and origin of waste 5. information on the waste recovery or disposal method to be employed Notification in the waste data register for the waste producer include: 1. name or trade name of operator, contact name and address 2. extract from the trade register and articles of association etc 3. information on the waste management organised by the waste producer and the type, quantity, quality and origin of waste to be managed	Records in Finland are produced by the producer, carrier (see above), treater/disposer, and for trans-boundary shipments under the same regulations.

For trans-boundary shipments the following data are recorded: 1. name or trade name of operator, contact name and address 2. extract from the trade register 3. type, quantity, quality and origin of waste to be sold or dealt with abroad 4. information on the financial guarantees necessary for the operation 5. information on the expertise at the operator's disposal	
Mixing	
Mixing is not clearly specified as prohibited in the Waste Decree, but the Waste Act does prohibit this.	This is implementation of the HWD by default.
Offences	
The Ministry of the Environment, the regional environment centre or the local environment authority can reinforce a prohibition or order under threat or fine under the provisions of the Conditional Fines Act (1113/1990). These fines are not specified. Petty fines for minor infringement of the regulations are 200 Finnish marks.	The broad breath of the prohibition criteria mirror UK infringement criteria.
Role of regulator	
The Finnish Environment Institute is required to: • maintain a master register of waste data registers • conduct research, training and provide advice in waste management • compile statistics and perform monitoring • take part in the preparation of the national waste plan • act as the correspondent named in waste shipment regulations • perform other tasks as specified by the Ministry of the Environment Regional environment centres are also required to: • conduct research, training, compile statistics, perform monitoring and provide advice. • take part in the preparation of the provincial waste plan • perform other tasks assigned to it. Under the Waste Decree, the Finnish Environment Institute can prohibit shipments if the consignee has previously been guilty of illegal movements of waste. Individual regional environment centres can decide that hazardous waste according to the Regulations are non-hazardous, if the waste holder can demonstrate this, or that other waste is hazardous waste if it exhibits Hazards H1-H14. These decisions are sent to the Finnish Environment Institute which sends summaries of these decisions to the Ministry of Environment on a six-monthly basis.	These roles are generally comparable to the roles performed by the Environment Agency.

Country	France
Regulation Reference	Decree 97-517 of 15 May 1997

Definition and classification of hazardous waste Including use of thresholds	Comparison with SWR
<u>Decree No 97-517 (only implements hazardous waste definition)</u> **Art 1**: Specifies that Hazardous Wastes are those listed in Annex II of the Decree. Annex II reproduces the Hazardous Waste List. The term "special industrial wastes" is then used, as it is the term used in other legislation. **Art 2**: The translation states "Annex II has been supplemented on a proposal from the Minister responsible for the environment, in accordance with the opinion of the Board for Classified Installations". However as Annex II reproduces the HWL with no additional entries, it is assumed that Article 2 mean Annex II can be added to, following a proposal from the Minister. The criteria for adding to Annex II are given in Annex I, which is a list of hazardous properties, which appears to be consistent with the Hazardous Properties with Annex III of the HWD, with the exception of H3A/H3B. Annex I has H3-A, H3-B and H3-C. No threshold values for the hazardous properties are provided in the Decree. Art 3 and 4 : Make amendments to other legislation	Wastes on the HWL are hazardous waste As with the SWR Annexes I and II are not transposed into the national legislation.

Country	France
Regulation Reference	Order of 6 January 1985

Notification procedures Including form	Comparison with SWR
<u>Order of 6 January 1985 relating to the monitoring of waste disposal channels creating pollution</u> If a waste (specified in Annex 1[a]) is produced or a load excesses of 0.1 tonne per month, producer is required to use a tracking slip (shown in Annex 2). The tracking slip details: • Origin; • Characteristics; • Destination; • collection procedures; • transport and storage procedures; • disposal procedures; and • identifies undertakings involved.	Different to SWR as there is a De minimis level for notification Information required on the slip is similar to SWR There is no prenotification of Regulatory bodies

The tracking slip must accompany the waste, and be "stamped" by producers, carriers and site operator when the waste is transferred. All the parties involved must keep a copy of the slip for 3 years. The site operator must also send a copy of the fully completed slip to the producer within a month of acceptance of the waste. If the site is a transfer station or pre-treatment facility the operator must indicate on the slip the final destination(s) before a copy is sent to the producer. Transfer stations or pre-treatment facilities must then generate a new tracking slip (specified in Annex 3) for the onward movement of the waste. This tracking slip must identify the original producers. The final destination must send a copy of this tracking slip to the original producers within a month of acceptance of the waste. If a producer does not receive the retumed copies of the tracking slips with specified periods, he must notify the "service responsible" (assumed to be the Regulator). All parties involved in the chain must keep a register of waste disposal activities and make them available to the "service responsible" on request. Quarterly returns are required from selected producers, carriers and waste managers. Each "Department" (assumed to mean region), specifies annually which undertakings need to provide the quarterly returns. The formats of the returns are specified in Annex 4. --- a. The list in Annex 1 is not the HWL. However it has been assumed that this list has been updated, as the Order was provided by the French Environment Ministry as one of Order that control hazardous waste.	The site operator is required to send copy of completed slip to the producer. This is not included in the SWR. The system ensures cradle to grave for wastes moving via transfer station etc, unlike SWR Unlike SWR, a duty is placed on the producer to notify the regulator if they do not receive completed tracking notes. The requirement to produce quarterly returns is not comparable with the SWR.
Cost recovery	
The Order makes no reference to cost recovery	
Registers/Site records	
See Notification procedures above	
Mixing	
The Order makes no reference to mixing	
Offences	
The Order provides no details on offences.	
Role of regulator	
The Order indicates the following roles for the "service responsible": • Monitoring of classified installations (assumed to be permitted sites) • Monitoring of tracking slips • Review of registers • Provision of data	

Country	Germany
Regulation Reference	Recycling and Waste Law of 27 September 1994 The Ordinance on the Classification of Waste requiring Special Supervision of 10 September 1996 The Ordinance on Waste Recovery and Disposal Records of 10 September 1996

Definition and classification of hazardous waste Including use of thresholds	Comparison with SWR
<u>The Ordinance on the Classification of Waste requiring Special Supervision of 10 September 1996</u> The Ordinance is considered to implement the European Hazardous Waste List [a]. The European Commission considers that it transpose the Hazardous Waste List but not the full definition from Article 1(4), in addition Annexes I-III are not transposed in to the national legislation [b]. The term "Waste requiring Special Supervision" is used in the legislation for hazardous, and means the wastes on the Hazardous Waste List --- a. The Recycling Management and Waste Act and other Waste Regulations in Germany: Dr. Joachim Wuttke, Federal Environmental Agency. b. Report on the implementation of community waste legislation: COM(1999) 752 final.	Wastes on the HWL are hazardous waste As with the SWR Annexes I and II are not transposed into the national legislation.
Notification procedures Including form	
<u>Recycling and Waste Law of 27 September 1994</u> Sections 43 and 46 places a duty on producer, carrier, recyclers and disposers of "waste requiring special supervision", to use compulsory documentation. The sections also make provision for small quantities to be exempt from the need for compulsory documentation in accordance with Statutory Instrument made under Section 48. Sections 44 and 47 exempt certain activities at producer's premises from the requirement for compulsory documentation. Section 48 make provision for a Statutory Instrument to specify the requirements for the compulsory documentation <u>The Ordinance on Waste Recovery and Disposal Records of 10 September 1996</u> This Ordinance is made under Section 48 of the Recycling and Waste Law of 27 September 1994 and specific the procedures for the compulsory documentation	Different to SWR as there is a De minimis level for

A duty is placed on producer, owners, carriers, and waste manager to furnish proof of proper waste management, with the exception of waste producers who produces less than 2000kg per years. Before waste can be moved, the competent authority of the waste management facility must confirm that the waste management operation is acceptable. This is done using a set of forms (included in Annex 1) consisting of: • A cover sheet: which provides information the producer • Responsible Declaration: which is the producers declaration about the waste, its origins, description and frequency of collection • Declaration Analysis: which contains the detailed analysis of the waste. • Declaration of Acceptance: which is the waste manager declaration that the waste is acceptable. • Official Confirmation: which is the competent authority's confirmation that the intended management of the waste is acceptable. If the competent authority does not confirm within 30 days, confirmation is deem to have be given (tacit consent) The confirmation from the competent authority can be valid for up to five years and more than one waste going to a waste management facility can be cover by one "record of proper waste management". There is a simplified procedure for certain waste management facilities. After a waste management option has be official confirmed, each consignment of waste must use a six-part consignment note. The consignment note system is similar to the SWR with the exception that the producer and the producer's competent authority receive a copy after disposal. The consignment note contains a handover certificate There is a procedure that is similar to the Carriers Rounds in the SWR. The collector can make the arrangement for the record of proper waste management if the waste: • has the same code • it passes through the same waste management chain; and • from each producers does not exceed: ➢ 15 tonnes per waste code; and ➢ 15 tonnes per calendar year. For specified waste code (Annex 2) the limit is 20 tonnes. The carrier's round procedure includes a handover certificate, similar to a carrier's schedule.	is a De minimis level for notification Information required on the note is similar to SWR Pre-authorisation is require (valid for up to 5 years) but no prenotification of individual consignments to the competent authorities The site operator is required to send copy of completed notes to the producer. This is not included in the SWR. The carrier round procedure is different of SWR as it has limits on the permitted quantities which are difficult to compare.
Cost recovery	
The Ordinance makes no reference to cost recovery	

Registers/Site records	
All parties involved must keep record books, and the Ordinance specifies how the record book should be kept. Record books must be kept for 3 years with the exception of operator so waste management facilities who must kept the record books for at least 10 years after the facility has been decommissioned.	Similar to SWR, although the requirements are more prescriptive.
Mixing	
The Ordinance makes no reference to mixing	
Offences	
The Ordinance provides details on offences relating to failure to notify, completion of documents and keeping of records which carry penalties up to 20,000 DM, under Section 61(2) of the Recycling and Waste Law.	
Role of regulator	
The competent authorities have a range of roles in the operation of the Ordinance and these are specified in the various articles.	The roles appear to be similar to the roles of the competent authorities in SWR

Country	Ireland
Regulation Reference	Waste Management Act, 1996 Number 10 of 1996 Waste Management (Hazardous Waste) Regulations, 1998 SI No. 163 of 1998 Waste Management (Movement of Hazardous Waste) Regulations, 1998 SI No. 147 of 1998

Definition and classification of hazardous waste Including use of thresholds	Comparison with SWR
<u>Waste Management Act, 1996</u> Under the Waste Management Act, 1996 section 4(2)(a) "hazardous Waste" means waste contained in the listed prepared under in Article 1(4) of the HWD. The Act then reproduces the definition from the HWD and Annexes I, II and III. However it appear that the Hazardous Waste List has not been introduced into legislation. Therefore classification of waste as non-hazardous must demonstrate that the waste possesses none of the fourteen hazardous properties. Although the test method are not specified in the Waste Management Act	The implementation of the definition is different to SWR and has not introduced the HWL.
Notification procedures **Including form**	
<u>Waste Management (Movement of Hazardous Waste) Regulations 1998</u> Under this Regulation, when hazardous waste is moved within Ireland a consignment note (C1) is required. The consignment note is obtained from the local authority where the waste is produced and consists of three parts (five copies are required). The notification system is similar the SWR, but the copies of the consignment notes are retained/furnished to the following: • the consignor • the carrier • the consignee • the local authority where the waste is produced. • the local authority where the waste is deposited. In addition there is no prenotification. However the Regulations do place a duty on the consignor to obtain documentary evidence that the consignee has received the waste. The documentary evidence and consignment notes must be kept for 5 years. Local authorities are also required to provide information derived from the consignment note to the EPA. The EPA can specify the form and frequency of the information.	In general the provisions are similar to the SWR, with the exceptions that: • prenotification is not required; and • the consignor must obtain evidence that the consignee has received the waste.

Cost recovery	
Waste Management (Movement of Hazardous Waste) Regulations 1998 Local authorities can require consignors, carriers and consignees to contribute to the costs they incur in performing their functions under the Regulations. However no fee is specified within the Regulations.	
Registers/Site records	
Waste Management (Hazardous Waste) Regulations, 1998 Under the general section for hazardous waste, a producer of hazardous wastes must keep records. The records to be kept are: • the quantity; • the nature; • the origin of waste produced; • the frequency of collection; • the mode of transport; and • the destination. These records are required to be held for at least 3 years. There are no requirements for the consignee to keep record within any to the legislation reviewed.	Similar requirements to SWR
Mixing	
Waste Management (Movement of Hazardous Waste) Regulations 1998 Under this Regulation the producer of hazardous waste may not: • Mix together two different category hazardous waste materials • Mix hazardous with non-hazardous waste	Consistent with the provisions within SWR
Offences	
No specific penalties or offences are detailed.	
Role of regulator	
The competent authorities have a range of roles in the operation of the regulations and these are specified in the various articles.	The roles appear to be similar to the roles of the competent authorities in SWR

Country	Netherlands
Regulation Reference	Hazardous Wastes Designation Order No 246 Hazardous Waste Designation Decree

Definition and classification of hazardous waste Including use of thresholds	Comparison with SWR
The Hazardous Wastes Designation Decree applies to non-household waste that is generated by the processes described in Appendix 1 to the decree. This appears similar to the HWL but is not identical in form to the HWL, and references to the EWC codes are missing (the HWDD was incorporated into law before the EWC and HWL were first drafted to completion).	Similar to UK Regulations, but the lack of EWC codes makes direct comparison difficult. This copy of the Decree states that there may be a subsequent need to incorporate the HWL.
The hazards H1-H14 are not incorporated. Various thresholds for substances in the waste are set in Appendix II. These substances are listed in a similar fashion to Annex II of the HWD but are not identical. These rules are left over from previous Regulations.	Sets substance thresholds rather than hazard thresholds.
Appendix III sets rules for exemptions. The list for exemptions has no relationship with the list of processes.	Similar to UK technical policy on certain wastes, but clarity on policy makes interpretation easier.
Explanatory note sets out differences between the Hazardous Wastes Designation Decree and the Chemical Wastes Designation Decree. These relate to changes in the regulatory method between the old and new regulatory methods, and aims to clarify the differences between the two.	Similar theory behind this and the differences between the COP(SW) 80 Regs and the SWR 96.
Specific rules are set down for limits of substances in oily wastes: • PCBs in oils • Organic halogen compounds in oils • Flashpoint below 55°C	Similar theory to UK guidance, designed to simplify regulation from the previous CWDD.
The Hazardous Wastes Designation Order 246 allows for the testing of wastes to ascertain whether the wastes are above or below the threshold for each hazard. Sets out measuring and sampling criteria and requires that the test result is made by an authorised lab and is 95% reliable before an exemption period on that waste of up to two years may be granted. Requires additional testing and reporting of results during that period. Any excursion beyond the normal composition of that waste or above the thresholds for the hazard should be reported.	Similar to UK regulations but more detailed on sampling, reporting and test performance criteria.
Rules are set down for various determinations: • PCBs in oils • Organic halogen compounds in oils • Flammability of solids	Tests described are similar to the EC Annex V tests or others specified in the UK Technical Guidance.

Notification procedures Including form	
Not described in these regulations.	
Cost recovery	
Not described in these regulations.	
Registers/Site records	
Not described in these regulations.	
Mixing	
When the concentration is determined, the effects of evaporation, dilution, mixing or leaching of the waste samples are disregarded. This does not apply to the treatment or processing of waste substances where those practices form a part of the waste management process under the Environmental Management Act.	As in the UK, mixing cannot be used to remove a hazard or hazardous substance from the original waste.
Offences	
Not described in these regulations.	
Role of regulator	
Not described in these regulations.	

Country	Spain	
Regulation Reference	Royal Decree 952/1997 of 20 June 1997	
Definition and classification of hazardous waste Including use of thresholds		Comparison with SWR
The Decree specifies that any waste contained in Addendum 2 is regard as toxic and hazardous. Addendum 2 reproduces the HWL. Table 3, 4 and 5 of Addendum 1 reproduce Annexes I, II and III of the HWD The Decree then introduces the hazardous waste definition in the same manner as the HWD. There are no threshold values provided in the Decree If a Local Authority considers a waste to be hazardous, which is not on the HWL, they must notify the Minister of the Environment, who will inform the EC.		Unlike SWR all elements of the HWD definition are transposed not the legislation. Wastes on the HWL are hazardous waste
Notification procedures Including form		
The decree introduces a range of amendments to Law 20/1986, which is the Basic Law on Toxic and Hazardous Waste. From the translation of the Decree it would appear that the notification of waste is covered in the Basic Law. The Decree contains some minor amendments to the record keeping requirements, but no assessment of the notification scheme can be from the amendments.		
Cost recovery		
The Decree makes no reference to cost recovery.		
Registers/Site records		
See Notification procedures above.		
Mixing		
The Decree add a new section to the Basic Law which prohibits the mixing of toxic and hazardous wastes with other hazardous wastes or other classes of waste which are not toxic and hazardous. Hazardous waste can be mixed under the conditions of a permit issued under Law 20/1986.		This is consistent with the SWR requirements
Offences		
The Decree makes no reference to offences		

Role of regulator	
The only require specified for the regulator is the notification of hazardous waste which are not included on the HWL, to the Minister of the Environment.	Not included in UK regulations on Special Wastes.
Additional Measures	
The Decree introduce a requirement for hazardous waste producers to carry out a study on the minimisation of the hazardous waste produced, within 4 years of the Decree coming into force, and notify the Local Authority. The translation indicates the producer should undertake to reduce the production of toxic and hazardous waste, insofar as this may be possible	No comparable measure within SWR

Country	Sweden
Regulation Reference	Order 1996:971 about dangerous refuse. Refuse Collection Order 1998:902

Definition and classification of hazardous waste Including use of thresholds	Comparison with SWR
Order 1998:902 includes all waste including household waste. This review discusses only hazardous waste requirements of this order. Waste is not described as hazardous or not. Rather it is described by the following criteria: • Local authority waste • Electrical or electronic components • Combustible and organic refuse	This order appears to be primarily designed to aid the implementation of the Landfill Directive.
Order 1996:971 defines dangerous refuse (which is taken to mean hazardous) as: • those wastes on Appendix 2 (which is the HWL) • or other refuse which shows one or more of the properties in Appendix 3 (which are hazards H1-H14 in Annex III to the HWD). Disposal and Treatment processes are described in Appendices 4 and 5.	The hazard criteria are also discussed, but no thresholds are set.
Exceptions include scrapped ammunition, scrapped fireworks and other scrapped explosive goods, although other provisions for these are not stated.	Sweden, like the UK, has another set of Regulations for explosive waste.
If the provincial administration decides that a certain waste is not hazardous, a dispensation may be granted if there are special reasons and the waste holder can show that the waste does not exhibit any of the hazardous properties in Appendix 3.	No criteria are given to help this decision making process.
Household waste or any component of household waste is not hazardous waste.	Similar to UK
Oil containing ballast or tank washings from vessels are not hazardous waste.	Not similar to UK
In addition, chapters 9, 14 and 15 of the environmental code, and the following regulations also apply to hazardous wastes (not reviewed) • Transport of dangerous goods (Order 1982:821) • health and sickness care (Order 1982:763) • infection protection (Order 1988:1472) • dental care (Order 1985:125) • epizootic law (Order 1980:369) • law on combating salmonella (Order 1983:738) • inflammable and explosive goods (Order 1988:868) • cross-border transport (Order 1995:701) • incineration of dangerous refuse (Order 1997:692) • removal of PCBs (Order 1998:122)	This is a broad range of related regulations.

Notification procedures Including form	
Order 1998:902 states that transportation of waste requires a permit or report for professional transport of refuse (except for recycling waste). Particular rules apply for dangerous wastes. The waste producer is obliged to check the carrier is permitted to transport the waste arising. Hazardous waste must only be carried by a carrier with a special permit, which is valid for up to five years. A permit is not required if the producer is also the carrier and the quantities which arise in a year are less than 400 litres oil waste, 200 litres solvent waste, 200 litres paint or varnish waste or altogether 100kg other hazardous waste (excluding waste containing PCB, Hg, CN or Cd). The carrier in this case must report to the provincial administration every five years. A consignor must draw up a transport document for each transport. The consignor must give information on: • The consignor, consignee, transporter • The type, quantity and composition of the waste • Point of origin of the waste • Point of delivery of the waste Some wastes are notably exempt from notification, e.g. incinerator residues, asbestos waste, agricultural chemicals and infectious wastes. Other agencies regulate agricultural and infectious wastes, and presumably do not require these specific notification procedures.	This is similar to UK practice.
Cost recovery	
Regulations on supervision and charges are set out in order 1998:900 and 1998:940.	No details are given in this regulation.
Registers/Site records	
The waste producer must keep notes on: • The quantity of waste that arises per year • The class of waste • The installations the wastes are transported to. The carrier must keep records on: • The sources of the waste • The disposal routes • The frequency of collection • The manner of carriage. The site of intermediate storage or treatment of the waste must keep records on: • The quantity and classification of waste intermediately stored per year • The quantity and classification of waste treated per year	There appears to be no return from disposal sites.

• Methods of treatment applied to different classes of waste • Where the intermediate stored or treated wastes are delivered for disposal.	
Mixing	
Hazardous wastes must not be mixed with other hazardous wastes or other classes of waste or other substances. If this happens, the different classes must be separated to protect the environment if this is technically possible and economically reasonable, but hazardous wastes may be mixed with other hazardous wastes or other materials which ultimately leads to the protection of the environment and improves safety when handling and recovery.	The derogations are not employed in the UK.
Offences	
Decisions about permits and reporting are made by the provincial administration copied to the local authority or other authority where appropriate. Chapter 29 of the environmental code gives details of penalties and forfeiture. Chapter 19 of the environmental code gives details of appeals.	No other details are available in this order.
Role of regulator	
The Nature Protection Office is responsible for the external environment in connection with handling of hazardous waste. The Social Administration supervises the handling of classes of waste with EWC code 18 01 01 from maternity wards or other treatments where special notification is required because of danger of infection. The State Agricultural Office is responsible for supervising the handling of classes of waste with EWC code 18 03 02 or wastes from research, diagnosis, treatment or prevention of animal diseases which have special requirements because of danger of infection. Regional and local supervision is carried out by the professional inspectorate in the working environment and by the Doctor General where defence wastes are concerned. Otherwise the regional supervision is carried out by the provincial administration.	

Alternative approach to definition/classification	
Description	Implement a definition/classification based solely on the Hazardous Waste List and replace the term "special waste" with "hazardous waste". In terms of the current Regulations this would mean that only Regulation 2(1)(a) is used and Regulation 2(1)(b) & 2(2) would be excluded.

Advantages	Disadvantages
• Implements the Hazardous Waste Directive. • Eliminates the problems associated with the relationship between "hazardous" and "special" and concerns over the implementation of future EU Directives. • Simplifies the definition.	• May place a cost burden on the holders who are trying to demonstrate that their waste does not display any of the hazardous properties. The cost burden would result from producing evidence to Regulators/Departments, which is not currently required. • May place a burden on the Regulators/Departments to report wastes which are on the list but not do not possess any of the hazardous properties.

Effect of Change

Regulation 2(1)(b) was designed to allow wastes on HWL that did not possess any of the 14 hazardous properties not to be classified as special waste. Member States can decide that a waste on the HWL does not possess any of the hazardous properties, but only in exceptional circumstances, based on documentary evidence provided by the waste holder. Therefore by removing Regulation 2(1)(b) waste producers would need to demonstrate to Regulators/Departments that a waste is not hazardous as opposed to the current "self determination" made by producers.

Regulation 2(2)(a) was designed to catch any wastes previously special under the Control of Pollution (Special Waste) Regulations 1980, should Schedule 2 Part I not include any of these. In practice, the only waste arising in any significant quantity under Regulation 2(2) is contaminated land, which is currently classified with the European Waste Catalogue (EWC) code 17 07 01.

Regulation 2(2)(b) was designed to catch POMs, which when administered to humans appears under EWC listing 18 01 05 *discarded chemicals and medicines* (which is not on Schedule 2 Part I), but where administered to animals is on Schedule 2 Part I, listed under 18 02 04 *discarded chemicals.* By including POMs under Regulation 2(2)(b), the most hazardous human medicines are automatically considered special (but a number of non-hazardous POMs e.g. bags of saline solution, are also currently classified special).

Before any consideration of the effect of removing Regulation 2(1)(b) & 2(2) from the definition can be made, there is one additional factor to consider. Proposals for the revision of the hazardous waste list have been made and accepted, and future revisions are likely. UK regulations will need to incorporate these revisions to comply with EU law. The current proposed revisions were agreed on the 15th December 1999 and the following assessment is based on those changes. However there is a second phase of amendments currently being considered and this may result in further changes to the list.

A significant change in the new hazardous waste list is what has been defined by the EU as 'mirror entries'. These are where a waste stream is known to vary in its hazardous nature in such a way as to require a decision to be made about the hazardous nature of the waste *prior to classification into one of two EWC listings, one hazardous, the other not* (the reverse of the current position, where the classification is chosen and then a decision is made whether to test to demonstrate that the waste is below the thresholds for the relevant hazards and is non-special).

Alternative approach to definition/classification

Waste streams which will adopt this mirroring definition include the following:

Wastes from the textile industry
Waste from finishing containing organic solvents (or not)
Dyestuffs and pigments containing dangerous substances (or not)

Sludges from on-site effluent treatment
A whole host of these waste arisings, in the textile industry, oil refining, inorganic and organic chemical industries have been divided into mirror definitions.

Wastes from the MFSU of coatings, adhesives, sealants and printing inks
Significant revisions to the list to include mirror definitions for nearly all paints and varnish wastes, and adhesives and sealants wastes

Photographic industry
Single use cameras are split according to battery type (Lead, Nicad and Mercury batteries making them special waste)

Inorganic wastes from thermal processes
Sludges from gas treatment containing dangerous substances (or not)
Skimmings etc that are flammable (or not)

Waste packaging
Packaging containing or contaminated by dangerous substances (or not)
Absorbents, filters, wiping cloths and protective clothing contaminated (or not)

Wastes not otherwise specified
Electrical equipment containing PCBs, PCTs, CFCs, free asbestos, other hazardous materials (or not)

Construction and demolition wastes
Soil, stones and dredging spoil containing dangerous substances (or not)
Mixed construction and demolition waste or separated fractions containing dangerous substances (or not)

Wastes from human or animal health care
Chemicals consisting of dangerous substances (or not)
Cytotoxic medicines (or not)
Sharps (non-hazardous or where the collection and disposal is subject to special requirements to prevent infection)
Amalgam waste (classified special for the first time)

Wastes from waste treatment facilities etc
Bottom ash, slag, and pyrolysis waste containing dangerous substances (or not)
Partly stabilised hazardous solidified wastes (or not)
Fluff and dust from shredder facilities containing dangerous substances (or not)

Municipal wastes and similar
Paints inks adhesives and resins containing dangerous substances (or not)
Detergents containing dangerous substances (or not)
Edible/non-edible oils and fats
Cytotoxic medicines (or not)
Mixed batteries and accumulators containing lead, Nicad or mercury batteries (or not)
Discarded equipment containing hazardous components (or not)

Alternative approach to definition/classification

Some of the mirror definitions replace previous definitions which were on the hazardous waste list, and thereby clearly identify wastes which were proving to be variously special or non-special. Others are entirely new, replacing definitions which were previously non-special. It is these which have the potential to increase the quantity of special waste arising in the UK. They are:

(a) single-use cameras (this is a very small waste stream and will be insignificant in terms of environmental or overall economic impact)

(b) waste packaging (previously this could only be assessed against H3A(i), H4-H8. Now this can be assessed against all hazards, but the likely changes in waste volume arisings as special waste are small.

(c) Wastes not otherwise specified, relating to waste electrical and electronic equipment (WEEE), also considers free asbestos. The impact of this is not known, as there is a significant recycling of the larger WEEE items.

(d) Construction and demolition wastes. Inclusion of waste C&D materials in the hazardous waste list means that the biggest impacts will be from wastes contaminated with materials due to be classified under the forthcoming revisions of the Approved Supply List (CHIP Regulations) as ecotoxic, e.g. PAHs, where the thresholds are potentially lower than those which currently 'catch' these materials (hazard H7 carcinogenic). It will be harder to demonstrate that the waste is not special, and arisings may well increase significantly.

(e) Healthcare wastes now enable an assessment of the hazardous nature of POMs, which makes Regulation 2(2)(b) redundant. Those POMs which are not hazardous will not be consigned, giving a small saving to the industry, but the impact overall will be low.

(f) Wastes from waste treatment facilities. Consideration of the hazardous nature of bottom ashes etc is new to the EWC. This could put significant pressure in terms of analytical testing to demonstrate that these wastes are non-special.

The adoption of thresholds for the hazards H10 'toxic for reproduction' and H11 'mutagenic' reflect those already used in the Technical Guidance on Special Wastes, and so these should make no difference to the classification. The Commission Decision, however, includes thresholds for the risk phrases R60 (0.5%) and R62 (5%) which in the UK technical guidance was considered not part of the definition for hazard H10. It is believed that these changes will not have a significant impact on wastes since many substances classed R60 or R62 exhibit other hazardous properties with equally or more restrictive substance thresholds.

Effect of Removing Regulation 2(1) (b) & 2(2)

The effect of this action has to be considered along with other changes currently taking place to the HWL that are considered above. In summary, the most noticeable effects will be as follows:

(a) Producers of wastes listed on the HWL that do not possess any hazardous properties would have to demonstrate the fact to either the Departments or the Regulators, in order to classify their waste as "non-hazardous". This is likely to increase the quantities of waste classified as hazardous. However the introduction of "mirror entries" to the HWL will reduce the impact because the wastes with "mirror entries" cover a number of the wastes that would not be classified as special because of Regulation 2(1) (b**).**

(b) POMs previously considered special under Regulation 2(2) will be separately considered under Regulation 2(1) as either hazardous waste under "18 02 07 Cytotoxic medicines" or as non-hazardous waste under "18 02 08 Medicines other than those mentioned in 18 02 07". There will be a small reduction in the quantity of hazardous POMs consigned, but there will also be additional work for the consignor in deciding whether the POM is hazardous or not.

Alternative approach to definition/classification	
(c) Construction and demolition wastes previously assessed against hazards H3A(i), H4-H8, and notably H7 which has been the most common cause for consignment of contaminated soils, will be considered under Regulation 2(1) as either hazardous waste under "17 07 02 Mixed construction and demolition waste or separated fractions containing dangerous substances" or non-hazardous under "17 07 03 Mixed construction and demolition waste other than those mentioned in 17 07 02". While this may appear at first sight to make little difference (since the impact has been mainly due to hazard H7, which is considered in both Regulation 2(1) and 2(2)), the lower H14 ecotoxic thresholds which will soon apply to PAHs and other ecotoxic materials may in fact increase the arisings of ecotoxic C&D wastes (but at the same time might reduce the effort spent by the industry in seeking to demonstrate that a waste is below the current H7 threshold). Currently over 0.5 million tonnes of contaminated soils are consigned per year on 74,000 consignment notes. Therefore there is the potential for significant cost impacts. (d) Based on the current amendments, some asbestos containing materials would become non-special with the removal of Regulation 2(2). "17 06 01 Insulation materials containing asbestos" is on the hazardous waste list, because of the asbestos dust and fibre content. "17 01 05 asbestos-based construction materials" are not currently listed, and where previously these were considered special under Regulation 2(2) this would not be the case if this regulation is removed. The impact would be clearly measurable in the building industry. Currently 195,000 tonnes of cement-bonded asbestos is consigned per year on 32,000 consignment notes. Therefore there would be the potential for significant cost impacts. However it is understood, from DETR, that the Commission's intend to add "17 01 05 asbestos-based construction materials" to the list of hazardous wastes during the second phase of amendments and that the change is likely to be accepted. Assuming this amendment is agreed there would be no change to current UK practice.	
Impacts:	
Environmental Impact including compliance rates	Fewer POMs would be consigned, reducing the burden on hazardous waste landfill space. Potentially more contaminated soils would be consigned, as the ecotoxic thresholds may be more restrictive than the carcinogenic threshold limit which most contaminated soils are 'caught' by currently. However it is not possible to quantify the additional amounts as the determination will be dependent on the particular contaminated soil concerned. Based on the current revision to the HWL, cement bonded asbestos would no longer be considered hazardous. This currently comprises 195,000 tonnes/year on ~32,000 consignment notes in England and Wales. This would effectively revert the classification of bonded asbestos to that under the 1980 Special Waste Regulations. However if "17 01 05 asbestos-based construction materials" is added to the HWL in the second phase of amendments there would be no change to current UK practice and bonded asbestos would be hazardous.
Implications for hierarchy, proximity and BPEO	This option and other changes taking place alongside this option (e.g. ecotoxic labelling of chemicals on the ASL, and the Hazardous Waste List restructuring) should help to improve and simplify the Regulations. The affect should be to generally increase the degree of protection to the environment and improved classification of wastes will direct more wastes to their BPEO disposal/treatment route. Proximity issues will not be affected significantly.

Alternative approach to definition/classification	
Costs and benefits	
Waste producers	Costs will be marginally reduced for producers of POMs, although additional time will be required to perform the special waste assessment. Assumed that cost change will be neutral. Costs would be significantly reduced for producers of cement-bonded asbestos, if "17 01 05 asbestos-based construction materials" is not added to the HWL in the second phase of amendments. Potential saving for producers of bonded asbestos could be 10 to 15 minutes for completing and consigning the waste and £15 per consignment in terms of saved consignment fees. EA estimate there are 32,000 consignments of bonded asbestos in England and Wales and it is estimated that ~10% of Scotland and Northern Ireland consignments are bonded asbestos (Enviros Aspinwall estimate). This gives a total of 37,500 consignments of bonded asbestos. This result in cost savings between £690,000 and £750,000. It is not envisaged that there will be any savings in terms of transport and disposal costs, as waste management companies are likely to handle the waste in the same way. If "17 01 05 asbestos-based construction materials" is added to the HWL in the second phase of amendments, there would be no change in the costs of managing asbestos waste Costs may also rise for producers of contaminated soils as newly labelled ecotoxic materials may increase the quantities so consigned. It is not possible to quantify the additional amount of waste. Therefore we have estimated a cost change for a 1% increase in the quantity of contaminated soil consigned. We consider that this is a reasonable estimate due to the threshold levels involved (i.e. below 0.1%). Last year in England and Wales there were 74,000 consignments of contaminated land with an average weight of 7 tonnes per consignment. Assuming there is a similar ratio of contaminated land consignments in Scotland and Northern Ireland, the total number of consignments would be 81,250 per annum. The additional costs would be in two areas: • Administration: 10 to 15 minutes for completing and consigning the waste and £15 fee per consignment. Therefore the estimate increase in cost, for a 1% increase in the number of consignments, would be £15,025 to £16,325. • Addition disposal Cost: The price differential between special and non-special contaminated land would be in the region of £15/tonne. With an average consignment of 7 tonnes the additional cost would be £105 per consignment. For a 1% increase in the number of consignments, the addition disposal costs would be £85,500. Therefore the total additional cost for ever additional 1% of contaminated soil which became hazardous would be between £100,525 and £101,825.
Waste carriers	Almost wholly dependent on the quantities of special waste arising and consigned (as set out above), but it is unlikely to change the costs experienced by carriers.

Alternative approach to definition/classification	
Waste management facilities	Almost wholly dependent on the quantities of special waste arising and consigned (as set out above) but it is unlikely to change the costs experienced by waste managers as waste still requires transportation.
Waste regulators	Almost wholly dependent on the quantities of special waste arising and consigned (as set out above) but any changes in quantities of waste/consignments would be covered by the consignment fees.
Reporting Requirements	Potential to improve the data submitted to the Commission on hazardous waste because the “special, but not HWL” waste would not need to be separated from the data.
Interaction with other controls	The assessment of impact includes interaction with e.g. CHIP Regulations, the Approved Supply list, the revised Hazardous Waste List (Schedule 2 Part I of the SWR96). There will also be an interaction with the Landfill Directive requirements for treatment of all hazardous wastes, where treatment may be: • thermal (e.g. incineration); • recovery (e.g. solvent recovery); • chemical (e.g. acid/alkali neutralisation): • physical (e.g. encapsulation); or • a biological process (e.g. composting or anaerobic treatment). Subsequent consignment of treated wastes or residues to either a hazardous waste landfill or an area of a non-hazardous waste landfill depending upon the hazardous nature of the product. This treatment step alone may significantly increase the number of consignment notes issued.
Trade/single market	No significant impacts, although some wastes may be shipped to other European countries for treatment under the Landfill Directive requirements (see above). At least one UK waste management company is prepared to work on this basis at least until more facilities are in place in the UK for waste treatment.

Remove the requirement for pre-notification	
Description	Remove the requirement for the pre-notification of consignments of special waste, whilst retaining the rest of the current consignment note procedure. (Consignors are currently required to notify the regulators 72 hours prior to the movement of certain consignments. Approximately 25% of consignments are currently pre-notified in England and Wales but up to 60% of consignments are prenotified in Northern Ireland.) Assume current consignment code fees remain the same.

Advantages	Disadvantages
• Retains cradle to grave consignment note system. • Less bureaucratic in terms of administration. • Frees regulatory resources which could be used for producer inspections and providing advice to industry. • Removes the difficulties experienced with carrier's rounds, in terms of the requirement to prenotify lists of producers and short notice collections. • Removes the difficulties experienced with asbestos removal. • Reduces "over-notification", as waste producers would not need to notify "potential" disposal/recovery facilities. This has the potential to improve special waste data.	• Removes an opportunity for Regulators to intervene, before waste is consigned, to prevent illegal disposal. • May increase data entry time for Regulators, for successions. • Emphasis on special waste may be lost.

Number of prenotifications

- 150,000 England and Wales (EA estimate),
- 4,200 Northern Ireland (EHS estimate of 60% prenotified) and
- 22,500 Scotland (Enviros Aspinwall estimate of 50% prenotified)

Total prenotifications = 176,700 per annum

Number of carrier's round prenotifications

- 11,000 England and Wales (EA estimate),
- 4,000 Northern Ireland and Scotland (Enviros Aspinwall estimate)

Total carrier's round prenotifications = 15,000 per annum

Impacts	
Environmental Impact including compliance rates	May have a positive impact on the disposal of small quantities of special waste where the producers are not prepared to wait the notification period. However this is not likely to involve significant quantities. Would simplify the consignment of waste whose production can not be predicted e.g. asbestos from domestic properties. It would allow such wastes to be taken away when produced, reducing potential exposure of the public to hazardous materials.

Remove the requirement for pre-notification	
	For carriers rounds it may reduce the number of journeys, as new waste arisings would not need to be pre-notified and hence collected on an existing round. It would remove the need for carriers to provide a list of "potential" producers at the start of a year, which currently serve little purpose. There may be a slight increase in the wastes consigned to inappropriate sites, as the Regulators would not have the opportunity to intervene prior to treatment/disposal. However duty of care, site acceptance procedures and waste management licensing requirements should prevent this (these controls were not in place when prenotification of waste was first introduced). It is estimated at present that only 30% consignments (aggregated figure) are prenotified. It has the potential to release regulators from monitoring part of the paperwork system and could allow increased producer inspection and cradle to grave audits, which is likely to have a positive effect on compliance.
Implications for hierarchy, proximity and BPEO	If increased producer inspection and cradle to grave audits follow as a result , these may provide producers with information/incentives to minimise/recover their special waste.
Costs and benefits	
Waste producers	Likely to reduce administration time for waste producers and allow waste to be collected earlier. Potential for minor cost savings. Estimated time saving would be in the region of 5-10 minutes per prenotified consignment. (This time may be less if a waste management company has made the arrangements). Based on a total of 176,700 prenotifications this would provide savings of £300,000 to £600,000 per annum. There would be no time savings in terms of obtaining forms, completing forms or obtaining analyses as these functions would still be needed regardless of prenotification. Main benefit for producers will be in terms of arranging collections of waste without having to wait 3 working days.
Waste carriers	Likely to reduce administration burden in ensuring waste has been pre-notified and simplify collection arrangements. Would save carriers submitting lists of potential producers at the start of a succession of carriers' rounds. Would allow additional producers to be added to carriers' rounds without 72 hour notice. There would be time savings for carriers who operate carriers rounds as they would not have to prenotify them. The time savings per prenotification would be greater than that for producers as the carrier currently has to prenotify a list of all the potential producers collected from. Therefore time saving could be between 30-60 minute depending on the number of producers included on the round. This would result in saving of between £150,000 and £300,000 assuming 15,000 carriers' round prenotifications

Remove the requirement for pre-notification	
Waste management facilities	Likely to reduce administration burden ensuring waste has been pre-notified and simplify collection arrangements. Should have no impact on waste recovery and disposal facilities used for any particular waste stream. May be cost savings for waste management companies who arrange the consignment notes for producers. Similar savings to those of producers, however it has been assumed that the savings are made by the producers.
Waste regulators	Would remove an opportunity for Regulators to intervene prior to treatment/disposal to prevent illegal disposal (which is felt to occur in a small number of cases, regulators unable to quantify accurately). However it would release resources from assessing prenotifications which could be used to allow regulators to carry out more producer inspections and cradle to grave audits. Estimated average time for a technical assessment of a prenotification by an EA officer is 4-6 minutes. This time would be saved be removing prenotification which would yield savings of £247,000 to £353,400. Regulators would also not receive list of potential producers for carriers rounds, which would relieve an administrative burden.
Reporting Requirements	There may be a slight improvement in the quality of data obtained on waste arisings, as it would reduce “over-notification”.
Interaction with other controls	No significant impacts
Trade/single market	No significant impacts. Other European countries do not operate a similar system

"Producers Deposit Copy" and quarterly returns by producers	
Description	Introduce an additional copy to the consignment note called "Producers Deposit Copy", to notify waste producers that a consignment has been received at the waste management facility. Waste management companies would send the notification to the producers at the same time as the Agency Deposit Copy. Place a requirement on special waste producers to provide quarterly returns, in a prescribed format (summarising the consignment note information), to the Regulators on the type and quantities of waste handled in the previous three-month period. Small-scale producers would be exempt from the requirement to provide quarterly returns, although consignment notes would still be required. A possible threshold for small-scale producers would be those who produce less than 2 tonnes per quarter. For carriers' rounds, the carrier would be required to provide the quarterly returns and the "Producers Deposit Copy" would not be required. It is assumed that pre-notification has been removed. It is also assumed that consignment note codes would still be obtained from the Agencies and that the current consignment code fees remain the same. (The impact of a variable charging scheme based on the treatment/disposal route used is discussed at the end of this section)

Advantages	Disadvantages
• Retains cradle to grave consignment note system. • Provides producers with evidence that their waste has been handled as intended. • Provides producers with information on the actual quantities of waste handled. • Consistent with Duty of Care requirements. • Provides more accurate information on special waste arisings because producers would receive information on the actual quantity of waste handled as opposed to their estimate when completing the consignment note. • Provides information for producer inspections. • Reduces the burden on the Regulators as it may reduce the information required from each consignment note or remove the requirement to log every consignment note. • Frees regulatory resources which could be used for producer inspections and providing advice to industry. • Aggregates data into more easily managed units. • Could be an element of a self-regulation system.	• Places an additional requirement on waste producers, in terms of providing quarterly returns. • Places an additional requirement on waste management facilities in terms of sending deposit copies to producers. • Thresholds for small-scale producers would be required to prevent an unnecessary burden, therefore there would be differences in the operation of the system for different produces. • Producers may fluctuate around any threshold, which could result in tracking difficulties.

"Producers Deposit Copy" and quarterly returns by producers	
Number of special waste deposits • 530,000 England and Wales (EA estimate), • 7,000 Northern Ireland (EHS estimate) and • 45,000 Scotland (SEPA estimate) Total deposits = 582,000 per annum	
Impacts	
Environmental Impact including compliance rates	It may help improve compliance, as waste producers will know if a consignment has been handled as intended, and would allow them to take action when Producers Deposit Copies are not received. It has the potential to release regulators from monitoring part of the paperwork system and could allow increased producer inspection and cradle to grave audits, which is likely to have a positive effect on compliance. Overall the impacts are not considered to be significant, also producers may forget to complete quarterly returns.
Implications for hierarchy, proximity and BPEO	Increased producer inspection and cradle to grave audits may provide producers with information/incentives to minimise/recover their special waste.
Costs and benefits	
Waste producers	This will place a burden on waste producers in terms of preparing quarterly returns, although it should not have a significant impact on record keeping as producers are already required to keep registers of the waste consigned. There may be a one off cost in introducing new data systems, i.e. small database or manual filing system. As it has been assumed that prenotification has been removed the impact on waste producers is likely to be neutral. This is because the cost saving from the removal of prenotification is likely to be similar to the cost burden for preparing quarterly returns. Clearly this will be dependent on the number of prenotifications a particular producer uses. In the worst case where a producer only makes one prenotification per annum there may be an increased burden in producing the quarterly returns possibly an hour per quarter, however this would be dependant on the total number of consignments The system would help producers demonstrate compliance with duty of care, as they would automatically obtain evidence that waste was accepted at the waste management facility. This is likely to have a cost benefit to producers but difficult to quantify.
Waste carriers	This will place a burden on waste carriers in terms of preparing quarterly returns, although it should not have a significant impact on record keeping as carriers are already required to keep registers of the waste carried. There may be a one off cost in introducing new data systems. As with producers there may be additional time to prepare quarterly returns but it is assumed that it would be cost neutral

"Producers Deposit Copy" and quarterly returns by producers	
Waste management facilities	Would place a small administrative burden on waste management facilities by requiring them to send the Producers Deposit Copy to the waste producer. The additional burden, in the worst case, would be to post the consignment note to the producer 1-2 minute plus the cost of a stamp (although it is likely that a number of deposit copies would be sent at one time and possibly with an invoice). This would result in increased costs in the order of £198,000 to £384,000
Waste regulators	Reduces the burden on the Regulators, as it may reduce the information required from each consignment note or remove the requirement to log every consignment note. Time savings could allow regulators to carry out more producer inspections and cradle to grave audits. It is likely to reduce the effort in obtaining information for producer visits. It will probably make it easier for regulators to produce waste arisings data. Overall time saving could be 1 minute per consignment in entering data into computer system (current average is 4 minutes per consignment; although this time is likely to reduce by more than a minute there will be additional time to enter monthly returns). This equates to a cost saving of between £0 and £198,000 Other cost savings would be in terms of time to obtain information for producer inspections, possibly 10 minutes per inspection. Assuming 5% of producers (220,000) are visited annually this would equate to 11,000 visits per annum, which would result in a saving of £37,500. It is likely that a new IT system would be required for recording quarterly returns, which could cost in the region of £250,000 to £500,000 to develop.
Reporting Requirements	Data on waste arising data are likely to improve significantly because the data will be based on the quarterly returns which should: • be based on deposited wastes from the "Producer Deposit Copies, • contain less data entry errors due the reduced paper work. • be easier for the regulators to consolidate and analyse. In addition it will provide regulators with information for producer inspections.
Interaction with other controls	No significant impacts
Trade/single market	No significant impacts

"Producers Deposit Copy" and quarterly returns by producers

Variable Charging Scheme based on treatment/disposal route

Currently general fee is £15 per consignment (with a few exceptions) and provides cost recovery of between £8.5 – 9 million per annum. There is no differentiation in the fee between wastes moving for disposal and those moving for recovery.

It was raised during the consultation process that the fees should reflect how the special waste is handled and provide an incentive for special waste recovery. A differential could be introduced based on the waste management option selected. The simplest method would be to have one fee for wastes moving for recovery and a higher fee for waste moving for disposal.

If a fee of £5 per consignment for waste moving for recovery was introduced, the following fees for consignments sent for disposal would need to be introduced to maintain the current level of cost recovery. The fees set out below reflect different percentages of consignments being sent for recovery. The Environment Agency estimates that 10% of consignments currently are set for recovery.

% of consignments sent for recovery	Consignment fee for recovery	Consignment fee for disposal
5%	£5	£15.50
10%	£5	£16.10
15%	£5	£16.75
20%	£5	£17.50

Issues

The fees are designed to provide cost recovery, and wastes moving for recovery can require the same level of regulation and monitoring as wastes moving for disposal. Therefore, depending upon whether cost recovery is determined on a global or individual level, wastes being sent for disposal could be considered to be subsidising wastes being sent for recovery. This may be considered as an environmental tax on wastes being sent for disposal as opposed to a cost recovery mechanism.

It has the potential to place an additional burden on waste for which the BPEO is disposal.

This may have a positive environmental impact as more wastes may be diverted to recovery operations. However the cost saving in consignment fees may be insignificant compared to the cost of disposal/recovery and the effort required to identify recovery routes for waste.

Only allowing producers/holders to notify consignments	
Description	To increase the responsibly placed on the waste producer/holder, requiring them alone to notify consignments of waste, as opposed to the current system where the "consignor" can notify the waste.

Advantages	Disadvantages
• Raises the awareness of producers/holders. • Has the potential to improve waste descriptions. • Consistent with other legislation e.g. Duty of Care.	• May introduce delays in the consignment of waste.

General comment: overall impact of this on producers/carriers and waste management companies would be insignificant if prenotification was removed.

Impacts	
Environmental Impact including compliance rates	Would place greater responsibility on waste producer, which may raise awareness and result in improved compliance and improved waste description, which would improve environmental performance.
Implications for hierarchy, proximity and BPEO	No significant impacts
Costs and benefits	
Waste producers	May increase producer's awareness of the quantities of special waste being consigned. May result in delays in collection if a waste management company has completed the documentation on behalf of the producer, and needs to get the producer to sign the documentation before prenotification. May be a minor increase in time spent per prenotification by producer i.e. 1-2 minute to sign the consignment note. This would only apply to prenotified waste as other consignment notes can be completed when the waste is collected and the producer can sign it at that point. In addition this would only affect the portion of consignments were the waste management company has consigned the waste, estimated to be 20% of prenotifications. This would result in an increased cost between £12,000 and £24,000
Waste carriers	May result in delays in collection May be a minor increase in time spent per prenotification by carriers who consign waste for producers. The additional time would be to post the consignment note to the producer again 1-2 minute plus the cost of a stamp. If it is assumed that carriers and waste management companies each notify 50% of the 20% of affected notifications, increased cost to carriers £6000 to £12,000.

Only allowing producers/holders to notify consignments	
Waste management facilities	May be a minor increase in time spent per prenotification by waste management companies who consign waste for producers. The additional time would be to post the consignment note to the producer again 1-2 minute plus the cost of a stamp. If it is assumed that carriers and waste management companies each notify 50% of the 20% of affected notifications, increased cost to carriers £6000 to £12,000.
Waste regulators	Would place responsibility on producers, which would provide regulators with a contact point within the producing organisation. This could save time for regulators if there are problems with a consignment note. Not possible to quantify likely to be insignificant.
Reporting Requirements	Has the potential to improve waste description and hence improve data on waste arisings.
Interaction with other controls	Consistent with duty of care requirements
Trade/single market	No significant impacts

Use of up to date classification information	
Description	Ensure the current versions of CHIP documentation are used to classify special waste.

Advantages	Disadvantages
• Provides consistency for waste producers who use CHIP regulation. • Ensures that the correct hazards can be identified.	• Difficult to quantify impacts.

General comment; Likely to change the classification of certain wastes without a change to the Hazardous Waste List. Therefore assessment of the impacts of the potential changes would need to be made by DETR prior to introducing the updated version of ASL.

However assessing the impact of change to the ASL on the quantities of special waste generated and the associated cost implications is very difficult. This is because changes in the ASL could have impacts on a whole range of waste

Impacts	
Environmental Impact including compliance rates	Would ensure that up to date classification information is used.
Implications for hierarchy, proximity and BPEO	No significant impacts
Costs and benefits	
Waste producers	Likely to be a small one off cost in assessing the effect of any changes to the ASL. Producers would not need to retain old versions of the ASL. Would probably result in an increase in wastes classified as special and therefore increased costs to producers, but not possible to determine types and quantities of waste involved. Therefore to evaluation the cost impacts it has been assumed that a change in the ASL would result in a 1% increase quantity of special waste. This would result in an increase of ~60,000 tonnes per annum and with an average weight of ~10 tonnes per consignment, would given an additional 6,000 consignments per annum. If a price differential, between special and non-special waste, of £15/tonne is assumed with would result in additional treatment/disposal costs of ~£900,000 per annum. In addition treatment/disposal costs the cost to producers whose waste becomes special would be £18 to £20 per consignment (i.e. consignment fees and completion/consignment cost) plus a non-recurring cost of determining if a waste is special. This cost will vary according to the complexity of a particular waste. Therefore the additional consignment costs would be between £108,000 to £120,000
Waste carriers	Likely to be a small one off cost in assessing the effect of any changes to the ASL, but this would probably be absorbed or charged back to customers.

Waste management facilities	Likely to be a small one off cost in assessing the effect of any changes to the ASL, but this would probably be absorbed or charged back to customers. There may be an additional cost for waste management licensing charges, either in terms of: • a site requiring a licence as a waste has become special; • higher charges for sites handling special waste; or • increased charges as the quantity of special waste has increased. Again these charges would be passed on to customers.
Waste regulators	Likely to be a one off cost in assessing the effect of any changes to the ASL. This is not possible to quantify, as it will be dependent on the number of changes in the ASL, but it is likely to be insignificant.
Reporting Requirements	No significant impacts
Interaction with other controls	Would provide consistency with CHIP Regulations in terms of documentation, although there would still be inconsistencies in the use of the information. In addition the CHIP Regulations amend and adjust the use of Risk Phrases to take account of new knowledge. The use of Risk Phrases for special waste classification are effectively set by the Hazardous Waste Directive. Therefore changes in the use of Risk Phrases within the CHIP Regulations are not always recognised by the Hazardous Waste Directive which can result in difficulties in classification. The replacement of R22 with R65 is an example of such an inconsistency.
Trade/single market	No significant impacts

Amend consignment notes to allow for multiple carriers	
Description	Amend the consignment note to allow the transfer of waste to another waste carrier, for movements between islands or between Northern Ireland and the rest of the UK, similar to Transfrontier Shipment consignment notes.

Advantages	Disadvantages
• Reduces the burden on waste producers in Northern Ireland. • Provides a single consignment note. • Allows better tracking of the waste. • Reduces the burden on the Regulators and removes the difficulty of matching consignment notes under the current arrangements. • Frees up regulatory resources for producer inspections/advice to industry.	• Requires consignment notes to be redesigned/reprinted.

Impacts	
Environmental Impact including compliance rates	No significant impacts but may improve compliance by those who fail to comply due to the cost of two consignment codes.
Implications for hierarchy, proximity and BPEO	Increased producer inspection and cradle to grave audits may provide producers with information/incentives to minimise/recover their special waste.
Costs and benefits	
Waste producers	Reduces the burden on waste producers in Northern Ireland, as a result of only requiring a single consignment note. Also likely to reduce the cost of the system to producers as there would only be one consignment code fee. Assuming the consignment fee for consignment notes in NI remains at £24, the saving to NI producers who send their waste to the UK will be £24 per consignment (as a result of not needing a second consignment note). If we assume 25% of the 7000 consignments travel to the UK, 1750 consignments (as a large number of consignments travel to UK via transfer stations). The overall saving would be £42,000 per annum. There would also be time saving in terms of only completing and notifying one consignment note, this saving is likely to be made by the carrier who would normally complete the second consignment note.
Waste carriers	Simplifies the transfer of waste between carriers. The potential time saving for the carrier would be between 5-10 minutes for completing and notifying the second consignment note. This would result in saving of £3000 to £6000. Likely to be a one off cost for redesigning/reprinting of consignment notes for carriers who provide consignment notes to their customers. (insignificant)

Amend consignment notes to allow for multiple carriers	
Waste management facilities	Likely to be a one off cost for redesigning/reprinting of consignment notes for operators who provide consignment notes to their customers (insignificant).
Waste regulators	Reduces the burden on the regulators in terms of monitoring movement of waste. Removes the difficulties of matching consignment notes under the current arrangements and potentially frees resources for producer inspections/advice to industry. Likely to be a one off cost for redesigning/reprinting of consignment notes supplied by regulators (insignificant) Time saving would be 4-6 minutes per consignment moving from NI to UK (or vice versa) by removing the need for second technical assessment. Addition time would be saved because regulators would not need to match consignment notes, estimated saving 1-2 minutes per consignment moving from NI to UK (or vice versa). Another saving would be made by one agency not having to enter the data from the consignment note estimated saving 1-2 minutes per consignment moving from NI to UK (or vice versa) The total cost saving would be £3500 to £6000
Reporting Requirements	Improved waste tracking as there would only be one consignment note for each waste movement. Potential to improve data quality by preventing the double counting of consignments
Interaction with other controls	No significant impacts
Trade/single market	No significant impacts

Amend carrier round consignment notes	
Description	Amend carrier round consignment notes, to require the carrier to summarise the total type and quantities of waste collected on an individual round.

Advantages	Disadvantages
• May assist waste acceptance at the consignee's site. • Has the potential to provide more accurate information on special waste arisings as it could reduce calculation errors during data entry. • Reduces the burden on the Regulators in terms of quantifying waste collected on carriers rounds. • Frees up regulatory resources for producer inspections/advise to industry.	• Places an additional requirement on waste carriers. • Could result in aggregation errors. • Requires consignment notes to be redesigned/reprinted.

In England and Wales carriers rounds deposits are 15.5% of the total number of deposits, assuming this ratio is the same in Scotland and Northern Ireland gives a total of 90,000 carriers round deposits	
Impacts	
Environmental Impact including compliance rates	No significant impacts
Implications for hierarchy, proximity and BPEO	Increased producer inspection and cradle to grave audits may provide producers with information/incentives to minimise/recover their special waste.
Costs and benefits	
Waste producers	No significant impacts
Waste carriers	Places an additional burden on carriers at the end of a round in terms of recording the total waste quantities and types collected on the round. However when transferring the waste to the consignee the carrier should know this information to assist with the acceptance of the waste. Likely to be a one off cost for redesigning/reprinting of consignment notes for carriers who provide consignment notes to their customers. (Insignificant) The average number of producers per round is between 6-10 and they may be collecting up to 5 waste types from each producer. Therefore additional time burden would be in the order of 5-10 minutes for the driver to consolidate the information on the carriers schedule. Assuming 90,000 carriers round deposits this would place an additional cost of £153,000 to £306,000 on carriers
Waste management facilities	Likely to assist with waste acceptance as the total quantities of particular wastes would be identified, which would assist the checking of the load by consignee. (Insignificant in terms of cost changes)

Amend carrier round consignment notes	
Waste regulators	Reduces the burden on the regulators in terms of quantifying waste collected on carriers rounds but checking would still be required. This would have the potential to reduce the data entry requirement and free resources for other monitoring Likely to be a one off cost for redesigning/reprinting of consignment notes supplied by regulators (Insignificant) There would be time saving in terms of data entry for the 90,000 carriers round consignment notes estimated saving 1-2 minutes per consignment, which translates to a saving of £30,600 to £59,400
Reporting Requirements	Likely to improve the quality of the data relating to waste collected on carriers' rounds.
Interaction with other controls	No significant impacts
Trade/single market	No significant impacts

Producer Registration System

Description	Introduce a system which requires producers to register with the regulators; the system could operate as follows: • Require producers to register annually with the Agencies before waste can be moved. Registration would include the producers identifying the wastes and the intended treatment or disposal site(s). Producers would send summary returns to the Agency on a periodic basis (6 months) for the wastes that had been consigned. It is assumed that carriers would act as producers for carriers' rounds. • An annual fee would be payable at the registration stage, based on the weight/volumes of waste produced in the previous year. • Waste holders would be responsible for notifying the waste management facility in advance of the waste arriving on site. • Waste would still move with consignment notes, with the pre-notification copy being replaced by a copy that is returned to the producer, to "complete the loop". • Waste management facilities would also provide returns on the special waste received. • The Agencies not receive any copies of the consignment note and would focus activities on cradle to grave audits starting with the producer.

Advantages	Disadvantages
• Less bureaucratic in terms of administration, manpower and financial resources for the regulator. • Would encourage producers to reduce special waste, if the fee was based on quantity of waste produced. • Frees up regulatory resources for producer inspections/advice to industry, for example on waste minimisation etc • Likely to improves quality of waste statistics. • Could provide data entry savings if registration database is linked to the consignment tracking database.	• Potential for a large administrative burden for the Agencies at the outset. • Likely to be impractical and excessive for small scale or one off producers. • May increase illegal fly-tipping. • Thresholds for small-scale producers would be required to prevent an unnecessary burden, therefore there would be differences in the operation of the system for different produces. • Producers may fluctuate around any threshold, which could result in tracking difficulties.

General Comment: The overall cost impacts of this option to producers will be dependent on the annual fees and how the fees would be scaled based on weight or volume. However the data needed to develop a scaled charging system based on weight or volume are not readily available at this time. Therefore the cost estimates assume that the annual fee from registration is the same as the consignment note fees, as the aim is to obtain full cost recovery. The distribution of fee between producer is likely to change, but at this point it is not possible to determine how they may change.

Impacts	
Environmental Impact including compliance rates	May result in illegal disposal of special waste if charging scheme is based on quantity produced and depending upon the scrutiny of those new to the system.
Implications for hierarchy, proximity and BPEO	Producers may look to reduce the quantities of waste generated if the charging scheme is based on the amount of waste produced.

Producer Registration System	
Costs and benefits	
Waste producers	The burden on waste producers would be different with effort being required at the time of annual registration and the production of 6 monthly returns. However producers would no longer need to prenotify which would result in time savings throughout the year. There would be a burden in terms of cash-flow, the requirement to pay an annual registration fee would require payment at the start of the year, whereas the current system results in the costs being staggered over the year. Changes in the burdens on the producers would probably be: • Removal of prenotification, estimated time saving would be in the region of 5-10 minutes per consignment. • Annual registration, 1 to 2 hours per annum • Production of 6 monthly returns possibly 0.5 to 1 hour per six months Assuming that carriers act the producer for carriers' rounds and a number of producers fall below any threshold, there is the potential of 100,000 producers to register every year. This would result in the time to prepare the registration and the 6 monthly returns exceeding the savings from prenotification. The cost increases would be between £3,700,000 and £7,400,000.
Waste carriers	No significant impacts (included above)
Waste management facilities	No significant impacts, and no net change in cost as removing the need for consignee to send deposit copies to the regulators is replaced by the requirement to send a copy to the producer.
Waste regulators	Would allow regulators to focus efforts on inspection and audits. Would place a large administrative burden for the regulators at the outset and then on an annual basis as companies re-register. There would be potential for an administrative burden every six month from the summary returns. Changes in the burdens on the regulators would probably be: • Save technical assessment time of 4-6 minutes per consignment. • Save data entry time of 4minutes per consignment. • Require annual registrations to be assessed and recorded, estimated time required 15-30 minutes per producer • Require 6 monthly returns to be assessed and recorded, possibly an average time of 15 minutes per producer It is estimated that there would be an overall saving in time of between £480,000 to £530,000 per annum. In addition there would probably be a one off cost to the regulators for the development of a different IT system to record information, which could cost in the region of £250,000 to £500,000 to develop.

Producer Registration System	
Reporting Requirements	Data on waste arising are likely to improve significantly because the data: • will be based on deposited wastes, • will be easier for the regulators to consolidate and analyse. In addition it will provide regulators with information for producer inspections.
Interaction with other controls	No significant impacts
Trade/single market	No significant impacts

Summary of Consignment Note Numbers and Data

England and Wales

~530,000 waste movements (this count a carriers round as one movement (this equates to ~750,000 copies of consignment in total when prenotes are included). Approximate breakdown (logged on system):

- 112,000 single deposits
- 313,000 deposits on successions
- 82,000 carriers rounds deposits
- plus others

EA receives in the region of 200,000 to 220,000 prenotification copies. This covers ~ 150,000 actual prenotifications as there are a number of duplicates as prenotes can be faxed but the original paper copy must also be sent to the regulators. Approximate breakdown (logged on system can include duplicates):

- 146,000 single prenotes
- 65,000 on succession prenotes
- 11,000 carriers rounds prenotes

There are approximately 82,000 carriers rounds per annum, with between 6-10 collections per round.

There are between 150,000 and 200,000 special waste producers (numbers fluctuate annually). Estimated that approximately 50% (100,000) have their waste collected on carriers rounds.

Estimated that 10% of special waste consignments are sent for recovery (EA).

Estimated income from consignment notes ~ £8million (EA)

Northern Ireland

~ 7000 consignments per annum up to 60% could be prenotified.

Estimated income from consignment notes ~ £150,000 (consignment note codes cost £24 in NI) (Enviros Aspinwall)

No other breakdowns readily available

Scotland

~ 45,000 consignments per annum

- 31,000 ordinary £15 consignments;
- 1,300 consignments of lead acid batteries; and
- 12,500 £0 consignments including a lot from landed ship waste.

10,700 special waste producers (including consignments of asbestos from households)

Estimated income from consignment notes ~ £478,000 (Enviros Aspinwall)

No other breakdowns readily available