



Guidance to The Waste (England and Wales) Regulations 2011

These regulations implement the revised EU Waste Framework Directive 2008/98 which sets requirements for the collection, transport, recovery and disposal of waste.

In summary The Waste (England and Wales) Regulations 2011 require businesses to confirm that they have applied the waste management hierarchy when transferring waste and include a declaration to this effect on their waste transfer note or consignment note.

They introduce a two-tier system for waste carrier and broker registration, including the new concept of waste dealer.

They make amendments to hazardous waste controls.

They exclude some categories of waste from waste controls.

Who do the Waste (England and Wales) Regulations 2011 affect?

The regulations apply to businesses that:

- Produce waste
- Import or export waste
- Carry or transport waste
- Keep or store waste
- Treat waste
- Dispose of waste
- Operate as waste brokers or dealers

Using the waste management hierarchy

The hierarchy sets out, in order of priority, the waste management options that should be considered:

- Prevention
- Preparing for re-use
- Recycling
- Recovery, e.g. energy recovery
- Disposal

From 28 September 2011, whenever waste is passed on to someone else, a declaration will have to be made on the waste transfer note, or consignment note for hazardous waste, that the waste hierarchy has been considered.

The waste transfer note must also now include the 2007 Standard Industrial Classification (SIC) code of the person transferring the waste. The 2003 SIC codes should continue to be used on hazardous waste consignment notes.

Hazardous waste controls

Carriers of hazardous waste that operate a multiple collection round will need to include a round number and the number of collection sites on the consignment note.



Consignees accepting hazardous wastes that submit quarterly consignee returns to the Agency will have to include extra information. The Agency will be modifying the electronic and paper forms so that the new hazardous properties and multiple round numbers can be included. They say that these will be ready for use on 1 October 2011. The multiple round number nor the H15 hazardous property should be used on the return until the Agency has modified their systems.

Brokers or Dealers of hazardous waste must now keep records of hazardous waste that has been under their control. These records must be kept for a minimum of 3 years.

Mixing (or diluting) hazardous waste can only be undertaken by the holder of an appropriate permit and the activity must comply with Best Available Techniques (BAT). Those operations authorised under IPPC already have this requirement but it will now be applied to all permitted mixing activities. This new provision will be applied to new permits issued after April 2011 and to existing authorisations on their first review.

Sites that manage hazardous waste (other than landfill) now only need to keep records for a minimum of 5 years rather than for the life of the site.

Registering as a waste carrier, broker or dealer

The regulations introduce a two-tier system for waste carrier, broker and dealer registration.

Upper Tier Registration

Registration as an upper tier carrier or broker is necessary if the controlled waste of others is carried, brokered or dealt in, unless one of the lower tier categories applies (given below). Registration as an upper tier carrier is also necessary if construction or demolition waste is transported by the producer.

Controlled wastes include commercial, industrial, household and hazardous waste. Those previously registered with the Environment Agency as a waste carrier or broker need do nothing. The Environment Agency will automatically add the ability to be a dealer to existing registrations. When waste carrier or broker certificates are due to be renewed they will be replaced by an upper tier certificate.

Upper tier registration lasts for three years, the same as waste carrier or broker registration currently.

A fee is payable to register or renew a registration.

Lower Tier Registration

Registration as a lower tier carrier is necessary only if the following wastes are carried, brokered or dealt in:

- Animal by-products
- Waste from mines and quarries
- Waste from agricultural premises
- Lower tier registration is also applicable to a waste collection, disposal or regulation authority or a charity or voluntary organisation if they carry, broker or deal in waste produced by others



From the end of December 2013 registration as a lower tier carrier will also be required by those who normally and regularly carry controlled waste produced by their own business, other than construction or demolition waste which requires upper tier registration.

Registration as a lower tier carrier, broker or dealer is free and lasts indefinitely unless the registration is revoked or withdrawn.

Those registered as an exempt carrier of waste (known as a professional collector or transporter of waste), need do nothing as they will have been automatically registered as a lower tier carrier, broker or dealer.

Classifying hazardous waste

The regulations introduce a new category, H13 Sensitizing, to the list of properties defining waste as hazardous.

Sensitizing substances cause hypersensitization, i.e. the substance will cause adverse effects if it is inhaled or it penetrates the skin and further exposure to the substance then occurs.

The former category H13 now becomes H15. This adds ecotoxicity to the properties that can define a leachate as hazardous.

Wastes excluded from controls

Waste controls no longer apply to activities dealing only with excluded wastes. For example, an environmental permit or exemption is no longer needed for:

- Landspreading animal by-products that are covered by the Animal By-Product Regulation, organic fertilisers and soil improvers made from Category 2 and 3 processed animal protein, milk spread outside the farm of origin or digestive tract content.
- Incinerating dead pets in crematoria with a capacity of less than 50kg per hour. Some faecal matter, straw, farming and forestry materials are also excluded from waste controls. This depends on how the material is used and the potential for harm to the environment or human health.
- Most radioactive waste is controlled by radioactive substances regulation and does not require waste control. However, activities involving wastes covered by certain radioactive substances exemption orders now require an environmental permit. Other waste controls such as the Duty of Care also apply to these wastes.

Separate waste collections

The regulations also require the separate collection of waste paper, metal, plastic and glass from 1 January 2015.

This guidance represents Cleashing Service Group's opinion of the effects of The Waste (England and Wales) Regulations 2011 (the Regulations) but should not be taken as or used as definitive legal advice. Cleashing Service Group accepts no responsibility for the use or application of this guidance. For further information regarding the Regulations see www.environment-agency.gov.uk