



Local Authority Recycling Advisory Committee

Inert Waste Review
Waste Licensing Unit, DEFRA
Area 6D, Ergon house
17 smith Square
London. SW1P 3JR

21st March 2008

Dear Sir,

Consultation Response - Review of Inert Waste Regulations December 2007

I am writing to present the LARAC response to the **Review of Inert Waste Regulations December 2007** Consultation, which is contained below, and I thank you for the opportunity to respond to the above consultation.

The comments below are sent on behalf of the Local Authority Recycling Advisory Committee (LARAC). LARAC is an association of well over 400 local authorities across England, Scotland Wales and Northern Ireland whose waste management and recycling professionals' co-ordinate and operate waste management services. Membership is drawn from all types of authority including statutory Waste Collection (WCA), Waste Disposal (WDA) and Unitary.

Overall LARAC supports the review of the regulation of inert waste, however there are reservations on the impact actions may have on the fly tipping of such waste within members constituencies. Overleaf are our detailed comments as requested in the consultation.

If you have any queries on this response or would like to discuss the matter further then please contact me on 01582 654628 or birringk@luton.gov.uk

Yours faithfully,

Kully Birring

LARAC Policy Team



Local Authority Recycling Advisory Committee

Consultation Response - **Review of Inert Waste Regulations** **A discussion Paper December 2007**

Q1. Quality Assurance is the management function which rests on the documentation and establishment of quality Control protocols and on the evaluation and summarization of their outcomes. Whilst, Quality Control, is a technical and operational function which investigates and conforms the proper conduct of those procedural components necessary for successful completion

Such procedures rely heavily on information provided by the customer / producer and hence the process is dependent on the integrity of the provider. Protocols seem to rely in this case on a subjective approach to formulate objective outputs. For example, within the quality protocol for the production of aggregates from inert wastes, section 3, subsection 3.4.3 “ a visual inspection shall be carried out.....”. I would advocate such subjective quality control procedures when tested would be biased towards the enhancement to profit rather than towards the protection of the environment. Hence, objective methods for determining contamination of inert materials should be implemented at point of origin and not just at the point of processing.

The current review of the WFD may provide further clarification on this issue. There were concerns as the whether you would know that you had or would have to meet the quality protocol, this could become costly and difficult to prove.

Q2.The principal advantages of using guidance is to clarify or to help in the decision making process where clarity of direction is required. However, such direction can be ‘fogged’ if the guidance provided merely provides another debating platform to deviate from the meaning and spirit of the regulations being guided for.

The Abfall decision clearly provides a distinction between recovery and disposal and hence I am not quite sure what further guidance will achieve apart of imposing confusion.

Q3. For such waste a common waste characterisation framework would lessen the burden on regulators as well as the producers to approve / provide repetitive analytical data for waste which is clearly low risk. If the necessary health, safety and environmental mechanisms are in place (assessed through an auditable EMS system) then one cannot see why a permit system is needed for such recovery processes. However, the risk of not employing a permit system from a regulatory point of view is that it does allow an avenue for abuse.

Q4. The need for financial provision is, to provide assurance as well as insurance for unforeseeable incidents. Although certain processes may be classified as low risk,



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there is still a risk where the environment may be impacted by the operations within the site. Hence, I cannot see any advantages in implementing options 2 and 3.

Option 1 seems to be the most prudent in that there is the provision of contingency and the level of contingency can be reflected through the value of the financial provision.

Q5. The mechanism for adaptation already lies within the Directive under Paragraph 3.4 of Annex 1. If the EA has no devolved powers to reduce accordingly the requirements under Paragraphs 3.2 and 3.3 then it would be prudent to give them these powers. The question that needs to be answered is at what risk do we state that no barriers are required for this particular site. Do we then state that because the risk is so low that we don't ask them for a contingency if a contaminated load accidentally is tipped within the site.

In such circumstances where permissions for no barriers have been given what recourse is there for the regulatory authority to take action if an incident occurs on the site.

Q6. From the information provided it seems prudent that a uniform single step leaching test would be a better option than a two step process (less steps less errors). If the results obtained through the percolation test are within the acceptable parameters of analysis then there is no reason why it should not be adopted. However, the disadvantage of adapting this test is that it deviates from the 2 stage test currently being used for both non reactive and reactive hazardous waste.

Q7. One of the greatest confusions occurring within the waste industry is the definition or guidance given on what is waste and the types of waste encountered. The EWC listing has gone a long way to reduce such confusion and any guidance in addition to this, where further clarification can be made is welcomed.

A more consistent terminology for such waste would further clarify misinterpretation between producers / accepters and the different regulatory agencies.

Q8 No comment