



Local Authority Recycling Advisory Committee

FAO Gordon Wilson  
Waste Management Division  
DEFRA  
Zone 7 F/15  
Ashdown House  
123 Victoria Street  
LONDON  
SW1E 6DE

28 October 2004

Consultation on the proposals for replacement Hazardous Waste Regulations and List of Wastes Regulations for the Special Waste Regulations 1996 in England

Thank you for the opportunity to respond to the second consultation paper on DEFRA's proposals for new Hazardous Waste Regulations. 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, including 380 in England, 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 Authorities.

The new regulations are needed to align the UK's hazardous waste management regulations and nomenclature with EU practice. If this is done in a way that increases the options for recycling and re-use from municipal waste, and raises the profile of waste management generally within local authorities then LARAC supports the proposals. However we have concerns about:

- The realism and consistency of possible approaches to implementation and enforcement of the regulations and the need for more detailed guidance; and
- The effect that the regulations will have on local authority direct and administrative costs. Although the 2002 Spending Review made some allowance for increased costs due to the management of hazardous wastes in the EPCS Block grant, this money was not ring fenced for waste management and may not in any case be sufficient to meet the additional demands of implementing the requirements of the new regulations. As a result money will be likely to have to be diverted away from measures needed to achieve more sustainable waste management in order to meet the requirements of the new regulations. We doubt that funds arising from the implementation of Waste Electrical & Electronic (WEEE) Regulations will provide more than a small proportion of the additional resource needed.



Local Authority Recycling Advisory Committee

- Local authorities will be designated for the first time "producers" of waste. We are also concerned that the regulations will help blur the distinction between the corporations and other organizations that produce goods and services that result in waste and the local authorities whose job it is to handle waste on behalf of tax payers. The EU Thematic Strategies are founded on the principle of "producer responsibility, producer pays". Producer liabilities to pay for more sustainable resource management should not be allowed to fall on municipalities and communities.

In response to particular parts of the consultation:

- 1 The proposals for Site Notification by Producer, quarterly returns, notifications of deposit and receipt of waste, records to be kept, wastes to be consigned and scaled charges are all reasonable in the context of the regulations as a whole. However they will result in a huge increase in administration that has to be done by or for local authorities in respect of Household Waste Recycling Centres (HWRCs) and waste transfer stations which will increase the costs of carrying out our statutory obligations.
- 2 Mixing of hazardous wastes will be prohibited. This could be interpreted as a requirement to provide separate containers at HWRCs and transfer stations for each of 14 categories of municipal waste designated hazardous. Even the Health & Safety Executive (H&SE)'s recommendation that there should be 5 separate containers would, if added to the proposed requirement to divide WEEE into 4, increase hugely the demand for space for hazardous materials at HWRCs. This would be impossible to find at small sites and, even at large HWRCs, would reduce the amenity of the site and the capacity for separate recyclable and compostable facilities. A requirement to provide and service a number of different containers for different toxic wastes would also add substantially to the costs to local authorities of providing this service. Realistic technical guidance should be provided, for example about which hazardous waste streams could be kept in separate parts or compartments of a single container.
- 3 Technical guidance must also be provided in relation to the requirement to separate mixed wastes "where technically and economically feasible". Source separation is the key to more sustainable waste management. Bulky waste collection services and HWRCs will have to be re-organized to provide separate streams of hazardous wastes, but, again, this will significantly increase the costs to local authorities of delivering the services. Because the tonnages to be diverted are likely to be relatively small compared with the tonnages diverted through conventional kerbside schemes, the additional pressures on waste management budgets could mean that implementing the new regulations is detrimental to the provision of better recycling and waste minimisation services generally.



Local Authority Recycling Advisory Committee

- 4 The proposed use of the definition of "domestic waste" as opposed to "household waste" is, we understand, in response to concern from the EU about the scope of the exemption from the regulations. However many LARAC members do not collect domestic waste as a separate fraction, but take at the same time wastes from charities, tourist accommodation (such as camp sites), schools and, in some cases, general trade waste. A strict interpretation that this collected waste (that is predominantly, but not entirely domestic waste) is not exempt would have exceptionally severe implications for many local authorities and probably the majority. It would be better to include a realistic definition of what may be considered exempt than to rely on sensible non-enforcement after the regulations. For example, would it be possible to exempt "household waste containing not less than X% of domestic waste"?
- 5 Finally, we welcome the aspects of the proposed regulations that will raise the profile of waste management within local authorities and the general public. However the resource that has been committed to awareness raising remains pitifully small in relation to the need for sustained campaigning for the changes in householder behaviour that are needed to effect the requirements of the forthcoming new Regulations relating to domestic waste.

LARAC does not take a view on the other parts of the Government's proposals not mentioned above, such as the status of Prescription Only Medicines, carrier's rounds or multiple collections.

### Conclusions

LARAC generally supports the proposed new Hazardous Waste Regulations, but we have concerns about the effect that implementation will have on the overall costs of delivering more sustainable waste management and therefore on recycling services delivered by local authorities. We are also concerned about the possible longer term effect of local authorities for the first time being designated "producers" of waste.

Andrew Craig  
For LARAC Policy Team