

Hazardous Waste Regulations 2005

Introduction

The Hazardous Waste (England and Wales) Regulations 2005 came into force on 16 July 2005 and replaced the Special Waste Regulations 1996. Under the new regulations CFC, HCFC and HFC Refrigerants all become classified as Hazardous waste (EWC code 14 06 01) when taken from equipment where that site no longer has a requirement for the quantity of product removed from a system. This new regulation affects not only the production of the waste, but also its handling, transportation and storage.

It is the responsibility of each company involved in the waste chain to ensure they are familiar with and comply with the new regulations as it affects their company.

The notes below are intended as a guide to aid Refrigeration and Air Conditioning companies working with refrigerants.

The Hazardous Waste Regulations (HWR):

- define hazardous waste in England and Wales;
- require Producers or Consignors of hazardous waste to notify (register) their premises;
- restrict mixing and require separation of wastes where appropriate;
- make sure that companies document the movement of hazardous waste;
- require Consignees receiving hazardous waste to keep thorough records and provide the Environment Agency with information on the disposal and recovery of hazardous waste every three months.

Definitions

Carrier is the person who collects and transports waste to another place.

Consignee is the person to whom the waste is being transported for disposal or recovery.

Consignor is the person who causes the waste to be removed from the premises at which it is produced or is being held.

Holder is the producer of the waste and/or the person who is in possession of it.

Producer is the person whose activities produce waste or a person who carries out pre-processing, mixing or other operations resulting in a change in the nature or composition of this waste.

Mobile Service means a service operated from a notified premises, whose activities involve servicing, maintenance or repair on equipment at other premises, in the course of which hazardous waste is produced.

Regulation Requirements:

Premises

Any business producing hazardous waste has a **legal duty** to register with the Environment Agency premises where hazardous waste is produced. Each premises registered will be given a unique registration number - known as a 'premises code'.

Certain types of premises are exempt from the requirement to register if less than 200kg of hazardous waste are produced at specified premises in any twelve month period. These include domestic premises, shops, offices, agricultural premises, dental, veterinary or medical practices, ships, schools, prisons and charity premises.

It is normally the responsibility of the owner of the premises to register their site, as refrigerant may only be one of a number of products classified as Hazardous waste produced on a site. However, others may register sites with the owner's permission. Registration can be made in a number of ways and costs between £18 and £28 and is renewable on an annual basis. The quickest and the cheapest method is on-line at;

http://www.environment-agency.gov.uk/subjects/waste/1019330/1029396/?lang=_e

The Agency has published a guide to premises and site registration which can be found on this link.

Refrigeration and/or Air Conditioning Contractor

A contractor who creates waste refrigerant by removing it from a system is classified as the 'producer' of the waste and must notify/register their company to obtain a premises code. By registering the main office and operating as mobile producers all engineers employed by that company are covered to work at various sites where less than 200kg is produced per site per year. There are no exemptions for mobile operators.

Registration is the same as above costing £18 if registration is made on-line.

Wholesalers

- Each branch of a Wholesaler or Distributor receiving reclaim cylinders back from their customers must notify their premises and by virtue of collecting consignments to bulk up for onward shipment are deemed consignees by the Environment Agency. They have a responsibility to ensure that any cylinders taken back have the correctly completed documentation and to keep records of all waste cylinders sent on for reprocessing or destruction. Wholesalers need a Waste Management Licence Exemption and must make quarterly returns to the environment agency.
- IDS have produced a more detailed information sheet for wholesalers and distributors.

Transportation

Companies transporting waste (i.e., reclaim cylinders containing refrigerant) in or on their vehicles need a waste carriage licence. This could be a wholesaler's vehicle or a transport company. The producer of the waste (deemed here the contractor particularly if a Mobile Operator) can transport his 'own waste' without being a registered waste carrier and can move the recovered refrigerant to his site or to a wholesaler (Transfer Station) or presumably to his site and then to a wholesaler without needing a waste carriers licence.

A waste carrier's licence covers all vehicles operated by a company and is valid for three years. See consignment notes for additional responsibilities of carriers.

Cleaning and Reprocessing of Waste

Any company involved in cleaning or reprocessing refrigerant other than on the site of production needs to be registered as a waste handling station and has the responsibilities of a consignee. They must submit quarterly returns for each consignment received to both the producer of the waste and to the Environment Agency. A fee is payable to the Environment Agency for every consignment.

HWR Consignment Notes and Codes

Whenever hazardous waste is transferred from any premises, a HWR consignment note must be completed and accompany the waste. These are in a different format from those previously used to transport waste refrigerant and require more detailed information. Each consignment note needs to have its own unique consignment code which should be derived as defined by the Environment Agency.

The Producer, Holder, Consignor, Carrier and Consignee all have a part to play in ensuring the correct information is completed on the consignment note and they keep copies of the waste documentation.

There are two types of consignment notes available for hazardous waste movements;
A Single movement consignment note, where waste is moved from one premises to a Consignee, using one or more Carriers. Or a multiple collection consignment note where waste is collected from a number of premises in a single journey by a single vehicle and taken to the same Consignee.
A Schedule of Carriers Form is required for single movements of waste that involve more than one Carrier.

IDS will issue additional guidance to its customers relating to completion of the HWR consignment notes and help with selection of codes to be used for all movements of their cylinders.

Paperwork and reporting requirements

The consignment note code is used to identify each consignment and movement and is used by the consignee when reporting their quarterly submissions to the Environment Agency and to the producer. A fee is required to be paid by the consignee for each code on a quarterly basis. The producer should expect this fee to be passed on to them.

It is the responsibility of everyone in the chain to keep a register of hazardous waste movements and keep records for at least 3 years.

Penalties and Fines

These may be applied to anyone in the chain not conforming to the requirements of the Hazardous Waste Regulations 2005 and may be substantial.

Scotland

The requirements in Scotland are different to those in England and Wales and are covered by separate legislation laid down by The Scottish Environment Protection Agency (SEPA) These regulations are already in force and require a 3 day pre-notification of a waste movement to SEPA. Any cross border movements into England requires additional cross border documentation.

Northern Ireland:

Consignment of recovered refrigerants in Northern Ireland requires pre-notification (3 working days) before consignment as Special Waste. Each consignment requires a Consignment Note/Code from the Environment and Heritage Service.

The information given in this document is intended as a guide to assist companies working in the Refrigeration and Air Conditioning Industry to identify the minimum requirements of the new Hazardous Waste Regulations relevant to their operations.

We strongly recommend that any company handling reclaimed or recovered refrigerants make themselves familiar with how the regulations affect their own individual operations and inform personnel working for or on behalf of their company of their obligations to meet the requirements of the Hazardous Waste Regulations 2005.

This information is given by IDS in good faith and based on their understanding at the time of writing. More detailed information is available in guidance documents issued by the Environment Agency.

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