



E4e-Manager Newsletter April 2011

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Dear Deb,

This is the month where we are having more bank holidays than we have seen in many years. That said though, there is still plenty happening in the world of environmental regulation and we have noted various updates below. The main one that is likely to affect most of our members relates to changes to the waste regulations - this comes into effect in October this year - it is worth using the next 6 months to ensure you can meet the new criteria. Other changes include updates to waste regulations specific to Scottish Regulations and some further information on the CRC Energy Efficiency Scheme. Don't forget you can come and meet us at [SustainabilityLive](#) on Wednesday 25th May at the NEC, Stand M22.

Mandy Stoker

CHANGES TO WASTE REGULATIONS

Waste (England and Wales) Regulations 2011 The new Waste Regulations came into force on 29 March which will mean the waste management hierarchy will need to be applied from 28 September this year. The main impacts of the revisions:-

- require businesses to confirm that they have applied the waste management hierarchy when transferring waste and include a declaration on their waste transfer note or consignment note
- introduce a two-tier system for waste carrier and broker registration, including a new concept of a waste dealer
- make amendments to hazardous waste controls
- exclude some categories of waste from waste controls.

The regulations affect 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 From 1 October 2011, whenever you pass waste on to someone else, you will have to declare on the **waste transfer note**, or **consignment note** for hazardous waste, that you have applied the waste management hierarchy.

The hierarchy sets out, in order of priority, the waste management options you should consider:

1. prevention
2. preparing for reuse
3. recycling
4. recovery, eg energy recovery
5. disposal

If you have an environmental permit for an operation which generates waste, you will have to apply the waste management hierarchy. This will be a condition of new environmental permits, and will be added to existing permits when they are reviewed.

<http://www.legislation.gov.uk/uksi/2011/988/contents/made>

WORKING DOCUMENTS ON ECO-DESIGN AND LABELLING OF BOILERS

We have numerous members who are involved with construction and heating so a new European Commission working document may be of interest. The European Commission has circulated a working document on a possible Commission Regulation regarding boilers prior to the meeting of the Eco-design of Energy-using Products Framework Directive (the EuP Directive) Regulatory Committee in mid-2011.

To view the working document, please see -

<http://efficient-products.defra.gov.uk/cms/assets/working-document-boiler-ecodesign-regulation-31-March-2011.pdf>

PACKAGING TARGETS MET FOR 2010

The packaging recycling targets set for producers have been met and exceeded for 2010. 7.3 million tonnes of packaging was recycled or sent for energy recovery during 2010, almost 6% above the 6.8 million tonnes required by law.

The targets set for plastic and steel have been increased for 2011 and 2012 but currently all other targets remain the same. With this degree of achievement though it is possible the targets will be increased - we will keep you informed if this looks like happening.

REGULATION UPDATES

1. Waste (Scotland) Regulations 2011 SSI 226 came into force on 27 March 2011. Enables the partial suspension, revocation, transfer and surrender of site licences, and allows licences held by the same person to be consolidated if they cover the same site or more than one mobile plant.
<http://www.legislation.gov.uk/ssi/2011/226/introduction/made>

2. Waste Management Licensing (Scotland) Regulations 2011 SSI 228 came into force on 27 March 2011. This consolidates 1994/1056 and amendments and adds new exemptions. It removes the need for licence holders to have a certificate of technical competence and requires businesses carrying their own waste to register as waste carriers.
<http://www.legislation.gov.uk/sdsi/2011/9780111012147/introduction>

3. CRC Energy Efficiency Scheme (Amendment) Order 2011 SI 234 came into force on 1 April 2011. It amends 2010/768 by extending phase 1 of the trading scheme one year to 1 April 2014. The second and sixth phases have been reduced from seven to six years. The second phase will

start on 1 April 2013. Each phase will overlap the previous phase by one year instead of two years.
<http://www.legislation.gov.uk/uksi/2011/234/made>

4. Water Environment (Controlled Activities) (Scotland) Regulations 2011 SSI 209 came into force on 31 March 2011. It replaces 2005/348 (as amended). It increases the transparency and efficiency of processing applications for water use licences and introduces greater flexibility to deal with emergency situations where there are imminent risks of serious harm to people, property or the environment.

<http://www.legislation.gov.uk/ssi/2011/209/contents/made>



PROSECUTIONS

Fitness product supplier fined for failing to join packaging recycling scheme

Milton Keynes-based fitness product importer and supplier, RTE International Ltd, has been fined for failing to comply with packaging regulations between 2007 and 2008. The company was ordered to pay £15,000 with costs of £1,670 having admitted six offences over two years. It asked the court to take into consideration

another 12 offences occurring between 2003 and 2006.

Following a routine visit by the Environment Agency, it came to light that the company was obligated under the Packaging Regulations but had failed to join a recycling scheme as it was unaware of its obligation to comply. It is thought that in failing to comply with the scheme the company avoided costs of £12,172.

The regulations apply to any company which handles in excess of 50 tonnes of packaging a year and has an annual turnover of more than £2m. RTE International Ltd handled 278 tonnes of packaging in 2006 and 341 tonnes in 2007.

Poultry unit fined £30,000 for smells

A Boston based poultry unit were fined for producing unacceptable smells which affected neighbours for months. Moy Park Ltd who ran the site in 2009 were fined £30,000 and ordered to pay costs of £12,123. They had failed to follow their own odour management plan and did not follow advice given by the Environment Agency.

The company held an environmental permit that allowed rearing of intensive broiler birds on a 35-37 day cycle. The permit included conditions that protect the environment and local communities and relies on good management systems.

Local residents described the smell as 'nauseating' and prevented them using their gardens. Smells from the plant were caused by doors being left open, poor litter/bedding management and contamination of water by manure/litter.

The site has since been sold and decommissioned.

Skip Hire company fined £40,000 for burning waste

On 11 April 2011, Bilston Skip Hire Services Limited, a household, commercial and Industrial Waste Transfer Station was fined £40,000 for two charges plus costs over £5,000 for burning controlled waste on their site in Wolverhampton. The company had continued to burn over a 12 month period

causing nuisance and for commercial gain despite warnings and being told to stop the practice by the Environment Agency.

West Midland Fire & Rescue Service were called out to the site on a number of occasions and commented that the incidents were not only an unnecessary drain on operational resources but unknown fumes were given off as pollutants; welfare of the site's employees, local residents and attending crews were also a concern.

The Magistrates, when sentencing, commented that it was a prolonged breach of the rules concerning fires, the Directors were fully aware that fires were not permitted, they were large fires and caused distress and inconvenience to Monmore Stadium, local residents and the Wholesale Market.

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