



The Waste Issue - August 2011

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Dear Deb,

This month's newsletter is focusing on Waste. We've had a lot of enquiries about what is and is not waste and how our members should be meeting their Duty of Care obligations. So on the back of this, and to link with the new waste regulations coming into effect at the end of September (in England and Wales) it seemed timely to provide a focused issue of the E4e-manager newsletter.

The topics we are covering here relate to the safe disposal of spent fluorescent tubes, the business requirement to apply the waste hierarchy, some possible "waste" loans available from WRAP and then two recent waste prosecutions resulting in almost £1m worth of fines and repayment of proceeds from crime. If any of these articles prompt questions or concerns then do contact the Green Achiever team and we will try to clarify the issue for you.

Mandy Stoker

SAFE DISPOSAL OF SPENT FLUORESCENT TUBES

Here at the Green Achiever Scheme we have noticed in recent months a certain confusion for many of our members regarding their specific Duty of Care when it comes to the safe disposal of spent fluorescent tubes. While there will be a few 'nuances' for specific circumstances, outlined below are some key general facts to note:-

- 1) The Duty of Care on Waste applies to all waste that a business creates (even general waste) and effectively means that there should be an audit trail of that waste from producer to disposal, possibly via a carrier of some sort. It is the responsibility of the producer to ensure that the waste is disposed of safely, by ensuring that anyone who removes their waste is a registered waste carrier (or has a valid exemption) and that they receive either a Transfer Note or a Consignment Note for the waste. Consignment Notes are needed if the waste is "hazardous" [in England, Wales and Northern Ireland] or "special" [in Scotland].
- 2) Fluorescent tubes are always classed as hazardous/special waste - ie. it is not considered a matter of concentration. They are always bad! In this case they should not be disposed of in general waste. This is a compliance issue and not simply good practice. With this in mind there are options for how businesses ensure they meet their Duty of Care obligations:-
 - a) A business can carry their own spent tubes to a recycling centre themselves (the [WasteConnect](#) website lists numerous companies who are registered to receive this sort of hazardous/special

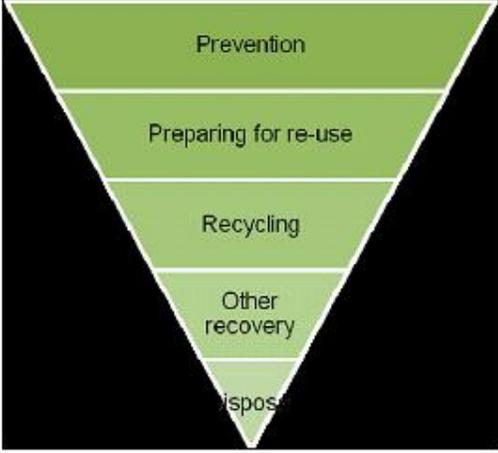
waste). As the business is the producer of the waste they do not require a waste carrier's licence. However, the business as the producer does need to receive a (Special Waste) Consignment Note for the tubes from the disposal company. Both the producer and the disposal company need to retain this for 3 years. Note - pre-notification of the movement of any hazardous waste is required in Scotland and Northern Ireland to either the Scottish Environment Protection Agency (SEPA) or the Northern Ireland Environment Agency (NIEA).

b) A business can use an electrical contractor to change the tubes. While the contractors need not necessarily be registered as waste carriers until March 2013 a business does nonetheless need to receive a (Special Waste) Consignment Note from them to ensure they are clear on the eventual disposal.

E4environment and the Green Achiever Scheme can provide advice on Consignment Notes for either scenario above.

- Follow this link for [guidance for England and Wales](#)
- Follow this link for [guidance for Scotland](#)
- Follow this link for [guidance for Northern Ireland.](#)

REMINDER OF DUTY TO APPLY THE WASTE HEIRARCHY

| Waste Hierarchy Stages: | Stages Include: |
|---|--|
|  <p>The diagram is an inverted pyramid divided into five horizontal sections. From top to bottom, the sections are labeled: Prevention, Preparing for re-use, Recycling, Other recovery, and Disposal. The top section is green, and the bottom section is black.</p> | <ul style="list-style-type: none"> • Using less material in design and manufacture Keeping products for longer; re use. Using le hazardous materials • Checking, cleaning, repairing, refurbishing, whole items or spare parts • Turning waste into a new substance or product. Includes composting if it meets qual protocols • Includes anaerobic digestion, incineration wi energy recovery, gasification and pyrolysis which produce energy (fuels, heat and power) and materials from waste; some backfilling • Landfill and incineration without energy recovery] |

In our April newsletter we had an article about the new Waste (England and Wales) Regulations 2011 which came into force on 29 March. Just as a reminder, businesses (in England and Wales) need to remember that from 28 September they are required to confirm that they have applied the waste management hierarchy when transferring waste and include a declaration on their waste Transfer Note or Consignment Notes. While a duty in England and Wales it is also an issue of good practice so businesses in Scotland and Northern Ireland may consider the implications also.

The hierarchy sets out, in order of priority, the waste management options you should consider. (Image Above)

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. Click here for further [Guidance on Applying the Waste Hierarchy.](#)



WRAP (Waste & Resources Action Programme) is a not-for-profit company established in 2000 backed by government funding from England, Scotland, Wales and Northern Ireland set up with the purpose of supporting businesses to reap the benefits of reducing waste and using resources in a more efficient way. [The Anaerobic Digestion Loan Fund \(ADLF\)](#) is a £10million fund designed to support the development of new AD capacity in England. The fund aims to support 300,000 tonnes of annual capacity to divert food waste from landfill by 2015.

The ADLF will offer direct financial support to organisations that are interested in building AD capacity in England in order to provide digestate of sufficient quality for a variety of UK markets and to generate renewable energy in the form of biogas through the diversion of food and other organic resources. The ADLF also aims to ensure that the material is diverted from landfill or from other, less environmentally sustainable operations, up the waste hierarchy.

WRAP LOAN FOR WASTE PREVENTION

WRAP has launched a £1m Waste Prevention [Loan Fund \(WPLF\)](#) to support businesses, social enterprises and local authorities to cut waste at source. The fund will help organisations to introduce business models and processes which make more efficient use of material resources.

Examples include product reuse, repair and upgrading services (e.g. through leasing), and materials recovery and reuse by the manufacturer. To complement WPLF, WRAP is separately inviting [tenders](#) from businesses seeking help with planning and monitoring Resource Efficient Business Models. These projects will support the technical evaluation of business benefits and resource savings, pre- and post-implementation.

Closing date: 14 October 2011.

NOTE - two free Breakfast Briefings for Waste Sector businesses in the Shropshire, Hereford and Worcester area.

These have been designed to give an opportunity to network with businesses from the sector and also to meet with and hear presentations by planners from the local Councils and the Environment Agency. Presentations will cover advice on:-

- Making a planning application;
- Waste Management Licensing and Permitting (in particular the impact that changes to the Waste Regulations from September 2011 will have on waste sector business).

In addition a representative from WRAP (Waste & Resources Action Programme) will highlight the funding opportunities currently available.

These events are completely free to small to medium sized businesses based in Herefordshire, Worcestershire, Telford & Wrekin and Shropshire and include breakfast.

- Tuesday 20 September, Hadley Park House, Telford : 8.00am -10.30am for businesses based in Shropshire.
- Tuesday 27 September, Worcester Warriors Rugby Club, Worcester 8am -10.30am for businesses based in Herefordshire & Worcestershire.

Full details on the [metnet website](#): click on the event you wish to attend [Telford 20th September](#)



Haulage companies fined nearly £100,000 for tipping waste at Cornish farm

A group of West Cornwall hauliers and director of a skip hire company have been ordered to pay nearly £100,000 in fines and costs for illegally tipping thousands of tonnes of waste at a farm near Helston.

The dumping of approximately 9,000 tonnes of construction and demolition waste at Trenoweth Farm, Gweek, culminated in the operators of five local haulage companies appearing at Truro Crown Court for sentencing. In addition to fines and costs, offenders were ordered to pay back profits they had made from their criminal activities under the Proceeds of Crime Act.

The main offender, Michael Leah, received a 12 month prison sentence suspended for two years and was ordered to pay £50,000 under Proceeds of Crime plus £4,000 costs. At the time of the offences Michael Leah was director of a haulage and skip hire company and operated a licensed Waste Transfer Station. Waste was brought to the transfer station for sorting before being sent off for recycling, reuse or disposal.

An investigation by the Environment Agency revealed that during 2007 and 2008 Leah had illegally dumped waste, including asbestos, at three separate sites including two farms and a residential property at St Ives. The sites included a farm where a landowner asked Leah to provide hardcore to improve an old farm track. Work was stopped after Agency officers became concerned at the type of waste being imported to the site. Samples taken from the track included 'significant amounts' of asbestos and other unsuitable waste material. In addition, a number of highly invasive Japanese Knotweed plants were found growing from freshly-imported waste material at the farm during a follow-up visit by the Agency.

Michael Leah said he had only deposited three lorry loads of subsoil at another farm, but was unable to verify this by supplying the relevant waste transfer notes. He was also unable to provide documentation for all asbestos entering and leaving his waste transfer station prior to March 2008. "This case demonstrates how important it is for those who handle waste to make full and adequate checks in respect of where waste is deposited. Simply taking the word of a so called 'site agent' or landowner is unacceptable.... The Agency will use the Proceeds of Crime Act to ensure any profits obtained through waste crime are confiscated rendering illegal activities pointless." said Redwynn Sterry for the Environment Agency.

Illegal waste boss from Berkshire has to pay back more than £800,000

The boss of an illegal waste company has been ordered to repay more than £800,000 under the Proceeds of Crime Act (2002) and given a two year community sentence - and warned he faces five years in jail if he doesn't pay up. This is the largest Proceeds of Crime Act ruling the Environment Agency has secured to date.

Amrik Johal, 53, of Cheviot Road, Langley, Slough, was convicted on 23 April 2010 after a week long trial for running an illegal waste operation on his land in Slough. The operation was an illegal waste transfer station and scrap metal yard, the running of which had a serious impact on local residents living within ten meters of the site.

During the trial in April 2010 the court heard that Environment Agency officers visited the site in Slough on numerous occasions between March 2006 and March 2007 and told Mr Johal that he did not have the correct authorisations for the waste activities seen at the site.

Environment Crime Officer Morgan Lound said: "For years Mr Johal has (run an) unlawful operation that has competed with law-abiding operators who operate, are obliged to put in place expensive infrastructure to protect the environment and measures to protect the neighbours from nuisances such as dust, noise and odour."

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email: ajs@e4environment.co.uk

phone: 01743 343403

web: <http://www.e4e-manager.co.uk>