

FAQs on the Hazardous Waste Regulations 2005		
Issue	Question	Response
1. Legislation 1.1 Hazardous Waste Legislation	What are these Regulations for?	<p>There are two sets of Regulations: i) The Hazardous Waste Regulations 2005, and ii) The List of Wastes Regulations 2005</p> <p>These:</p> <ul style="list-style-type: none"> • Implement a definition of hazardous waste into domestic legislation (and consequently remove the use of the term special waste); • Keep the requirement to pre-notify waste movements to the EHS as was currently required under the Special Waste Regulations • Ensure safe management of hazardous wastes; • Provide cradle-to-grave documentation for the movement of hazardous waste; • Require consignees to keep thorough records of hazardous waste and provide returns to the producers
1.2 Special Waste Regulations	Where do the Regulations apply? What happened to the Special Waste Regulations 1998?	<p>The Regulations apply in Northern Ireland. Each jurisdiction (England & Wales, Scotland and Northern Ireland) within the UK has their own set of legislation which differs from the other jurisdictions.</p> <p>They were revoked when the new Hazardous Waste Regulations were implemented on 16th July 2005. There were transitional arrangements in place for the use of consignment notes issued under the Special Waste Regulations however this ended on the 16th August 2005.</p>



2. Definitions		
2.1 Definition	What are hazardous wastes?	<p>They are currently wastes with one or more hazardous properties that are hazardous to health or the environment.</p> <p>The Hazardous Waste Regulations defines hazardous waste on the basis of:</p> <ul style="list-style-type: none"> (a) Any waste featured as hazardous in the <i>List of Wastes Regulations</i>; (b) Any specific batch of waste that the Secretary of State determines is exceptionally to be classified as hazardous. (c) Any specific batch of waste produced in Wales, Scotland or Ireland that the Welsh Assembly Government, the Scottish Executive or the Northern Ireland Department of the Environment respectively determines as hazardous shall also be treated as hazardous waste. <p>The Joint Agencies guidance document WM2 has been amended to take into account the new Regulations, it is relevant when assessing wastes as hazardous. WM2 can be found on our website www.ehsni.gov.uk/pubs/publications/WM2completedocument2005.pdf</p>
	What can I do if I have problems assigning a European Waste Catalogue (EWC) code to my waste?	The Department can offer assistance with the coding of wastes providing you can supply us with Material Safety Data Sheets or analysis results that will allow us to determine the concentration of hazardous substances / components within your waste.

2.2 Control of domestic wastes	Will hazardous domestic waste be controlled in the same way as other hazardous wastes?	<p>The Regulations do not apply to the movement of hazardous waste from domestic premises. Departmental guidance defines domestic premises.</p> <p>The Hazardous Waste Regulations do not apply to the movement of hazardous waste from domestic premises to a central collection point, with the exception of asbestos waste (see 2.5) and separately collected domestic waste (see 2.3 and 2.4).</p>
2.3 Separately collected domestic waste	What are “separately collected domestic fractions”?	<p>Separately collected domestic fractions are hazardous waste where it is:</p> <ul style="list-style-type: none"> i) Hazardous waste which is domestic waste; and ii) Collected from premises on which it is produced separately from the collection of other wastes from those premises. <p>It may still be considered to be separately collected even where it is collected at the same time and/or on the same vehicle as other wastes, provided that it is not mixed with those other wastes.</p>
2.4 Separately collected domestic waste	Are separately collected domestic fractions controlled by the Regulations?	<p>The Hazardous Waste Regulations apply to such wastes, however there is no need to provide a consignment note when such waste is removed from the domestic premises and then taken to premises for collection, disposal or recovery.</p> <p>The establishment or undertaking, which accepts such waste at premises for collection, disposal or recovery, is then treated as the producer of the waste. Therefore such wastes will be subject to all the provisions of the Regulations from the time that it reaches any premises for collection, disposal or recovery, such as a Civic Amenity site.</p>



<p>2.5 Asbestos waste from domestic premises</p>	<p>How do the regulations apply to asbestos wastes from domestic premises?</p>	<p>The Regulations apply to asbestos which is also domestic waste (see 2.2). However the Regulations do not impose any obligations on a person who is the original producer of the waste and who either resides at the domestic premises where it was produced or on a person who is acting on behalf of the resident and who does this without reward.</p> <p>Examples of persons to whom this relates are:</p> <ul style="list-style-type: none"> i) A householder who removes and disposes of asbestos waste from their house to a licensed site. ii) A neighbour who assists in removing such waste without payment. <p>Where the asbestos waste is produced by a contractor who is engaged by the householder to undertake any construction, modification, repair and maintenance or demolition of his premises, then the Regulations do apply to the contractor. The contractor is also treated as the consignor unless he has engaged another person to be the consignor.</p>
<p>2.6 Prescription Only Medicines</p>	<p>Will Prescription Only Medicines (POMs) be hazardous?</p>	<p>Although POMs were special waste, only those that are classified as cytotoxic and cytostatic medicines will be hazardous waste.</p> <p>However if these cytotoxic and cytostatic medicines aren't fully segregated from the other medicines, the precautionary principle applies and all of them should be consigned as hazardous.</p>

2.7 Radioactive Waste	Do the Regulations apply to Radioactive Waste?	<p>To some radioactive wastes.</p> <p>Where radioactive waste within the meaning of section 2 of the Radioactive Substances Act 1993</p> <ol style="list-style-type: none"> 1. is exempt for the time being from the requirements of – Section 13 (disposal of radioactive waste) Section 14 (accumulation of radioactive waste) 2. has one or more hazardous properties arising other than from its radioactive nature <p>Radioactive waste to which this regulation (15) applies, is treated as waste for the purposes of these Regulations and accordingly is treated as hazardous waste and these regulations apply.</p>
2.8 Agricultural or Mines and Quarries wastes	Can Agricultural or Mines and Quarries wastes be hazardous?	<p>Agricultural and Mines & Quarry are currently not defined as controlled waste and therefore such wastes cannot be regarded as hazardous waste. However the Regulations will apply once the Waste Management Regulations (Northern Ireland) 2005 are implemented.</p> <p>There will be a transitional period for these Regulations.</p> <p>The Hazardous Waste Regulations will apply to agricultural and mines & quarries waste after 1st September 2006.</p>
2.9 Differences between Hazardous and Special wastes	Are Hazardous wastes the same as Special wastes?	<p>No, they have a different definition.</p> <p>However the vast majority of waste previously defined as special waste are also hazardous wastes. Examples of wastes that are hazardous, but were not special waste are:</p> <ul style="list-style-type: none"> • Fluorescent tubes



		<ul style="list-style-type: none"> • Televisions • Computer monitors • Un-depolluted end of life vehicles (ELVs) • Dental amalgam
3. Consigning Waste 3.1 Consigning Waste	Is consigning hazardous waste the same as consigning under the previous Special Waste Regulations?	<p>Although the same term “consigning” is used for the movement of hazardous waste under the Hazardous Waste Regulations there are differences from the consignment of special waste under the revoked Special Waste Regulations 1998, for example, there is now more information required on the consignment notes.</p> <p>Consigning under the Hazardous Waste Regulations started on 16th July 2005. It is important to note that all previous requirements of the Special Waste Regulations such as pre-notification, carriers rounds and successions still remain.</p>
3.2 Consigning waste to Scotland, England or Wales	What are the rules for transfer of waste to Scotland, England or Wales and do I still need to have two consignment notes when transferring waste from NI to Scotland, England or Wales?	<p>No, although the NI Regulations differ from those applicable in the other jurisdictions, they all make provision for waste to be moved across borders to or from NI, by allowing for a mutual recognition of consignment notes. The rules for “cross border movement” are set out in Schedule 7 of the Hazardous Waste (Northern Ireland) Regulations 2005.</p> <p>TRANSFERS INTO THE MAINLAND</p> <p>Such transfers do not require a consignment note, as provided by the Hazardous Waste (England and Wales) Regulations 2005 or the Special Waste Amendment (Scotland) Regulations 2004, to accompany the</p>



		<p>waste provided that the following accompanies the waste:</p> <ul style="list-style-type: none"> i) a consignment note which is required and completed in accordance with laws in Northern Ireland, and ii) the note contains the information required by the standard consignment note set out in the Annex to Commission decision 94/774 of 24 November 1994. <p>Prenotifications</p> <p>Although regulation requires all agencies to be prenotified, the Environment Agency has indicated they do not require prenotification. Therefore when moving waste to England prenotify EHS only. When moving waste to Scotland prenotify EHS and SEPA.</p> <p>When a Cross Border Movement Waste is Accepted</p> <p>When hazardous waste is transported from England, Scotland or Wales to premises situated in Northern Ireland, the consignee shall send a copy of the consignment note to either the Environment Agency (where the waste is to be consigned from England or Wales) or to the Scottish Environment Protection Agency (where the waste is to be consigned from Scotland).</p> <p>When a consignee (in England, Scotland or Wales) accepts waste from a premises in Northern Ireland, he should complete Part E of the consignment note, and send a copy of the note back to the relevant authority.</p>
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	Do I need to register my premises as required by the legislation in England & Wales?	No. Notification of premises is only required in England & Wales. Even if you are transferring waste to Scotland or England, notification of premises is not required.
3.3 Consignment Notes	I still have special waste consignment notes – can I still use them? What should I do if a consignment of special waste is delivered to my site with Special Waste Consignment notes?	Not after 16 th August 2005. You can return any unused notes to the Department and we will credit your account or issue replacements. As noted above, the Special Waste Regulations have now been revoked. If a consignee receives a consignment of special waste accompanied by special waste consignment notes, then, in the interests of environmental protection and as an interim measure only, the waste may be accepted, provided that the following steps are taken: 1. The Environment & Heritage Service is informed of the situation. This should be done by telephoning us on 028 90246462 as soon as possible after the consignment has been accepted, providing the following information: i) Consignment note number. ii) Name and address of the waste producer or holder, waste carrier and consignee. iii) Date and time that the consignment was accepted. 2. Both the carrier and the original waste producer or holder must be advised that any further consignments of hazardous waste must be in accordance with the Hazardous Waste Regulations.
	Are there any circumstances where hazardous waste may be accepted without being accompanied by consignment notes?	There are a few circumstances where hazardous waste may be delivered to a consignee and not be accompanied by consignment notes without contravening the Hazardous Waste Regulations, as follows:



		<ul style="list-style-type: none"> i) Asbestos waste that is produced on domestic premises by a householder and is delivered to a consignee by either the householder or a person acting on the householder's behalf without reward (regulation 13 - see 2.5). ii) Waste comprising a separately collected domestic fraction, this is waste that is collected from a household and taken to a suitably licensed facility. (regulation 14 - see 2.3). iii) Waste is disposed of within the curtilage of the premises where it is produced, i.e. it does not leave the premises. iv) Waste is delivered by virtue of an emergency or grave danger and it was not possible, given the circumstances, to complete consignment notes (regulation 44). In all cases the holder of the hazardous waste that gives rise to an emergency or grave danger is required to notify the Environment & Heritage Service as soon as reasonably practicable (and confirm in writing within 7 calendar days if this notification is made orally). The Environment & Heritage Service would also expect compliance with the consignment note requirements as soon as possible after the event.
	<p>What should I do if small quantities of hazardous waste are delivered to my site without any consignment notes?</p>	<p>The Hazardous Waste Regulations does not have any provision for not applying the full requirements to small quantities of hazardous waste. However the Environment & Heritage Service recognises that if a consignee of a facility, permitted to receive hazardous waste, is requested to accept a small quantity of that hazardous waste in a one – off incidence from a producer, holder, consignor or carrier of that waste, and it is not moved using consignment notes, then in the interest of environmental protection, enforcement action will not normally be taken</p>



		<p>against the consignee for receiving that waste.</p> <p>However, if a request is made to receive greater quantities of hazardous waste, or to continue to receive small quantities of hazardous waste on a routine basis, at a consignee facility the consignee should ensure that the producer, holder, consignor or carrier of the waste fulfils all the obligations of the Hazardous Waste Regulations.</p>
	What do I do if I don't know exact quantities for Part B of the note?	We ask that you give an estimate. The exact quantity will be confirmed in Part E when it reaches the consignee site.
	I am a consignee that frequently receives lots of waste streams in one load – can I provide a list if there isn't enough room in Part E for all the waste streams?	Yes. It is acceptable to use a list to provide all the information required in Part E.
	Deposits have to be returned to the Department, what is the timescale for this?	<p>The Regulations state that on receiving the consignment, the consignee shall 'forthwith furnish one copy to the Department'.</p> <p>The EHS request that such deposit copies should be returned to EHS as soon as possible.</p>
	You have said that domestic hazardous waste does not need to be consigned. How will this work when there will be more waste being consigned out of a transfer station, than there is being consigned into the transfer station.	Consignees are now required to keep inventories of all materials held on site. In the event of a Departmental investigation, those records should account for any discrepancies in amounts going into and out of the site.



	Can councils collect computer monitors from households without the use of consignment notes?	Yes. Domestic householders are exempt from using a consignment note. Councils can collect domestic hazardous waste then bring it back to one of their licensed facilities. When it is moving on from this facility it must then be accompanied by a consignment note.
	Is it £24 every time there is a movement of hazardous waste.	Yes (in most cases), every movement of hazardous waste must be accompanied by a consignment note. Movements of lead-acid batteries attract a lesser fee of £10. There are a few instances where notes will be assigned without charge, these are all detailed in regulation 36(2).
	The consignment note requires an SIC code, what is this?	SIC code is the Standard Industrial Classification code. You will find a list of all SIC codes on the EHS website, if you require any further help in this matter please contact EHS on 028 90546462.
		A separate guidance note is being prepared on the completion of consignment notes and will be available on EHS website or from the office Tel: 028 90546462, in the interim if you have any problems completing the notes please contact the number above for advice.
4. What do I do with my hazardous waste?		
4.1 Hazardous Waste	What can I do with it?	There are a number of transfer stations within Northern Ireland that are licensed to accept hazardous waste. Details of these can be obtained from EHS tel: 028 90546477. Information on hazardous waste sites in Scotland or England can be found on www.sepa.org.uk or www.environment-agency.gov.uk

5. Miscellaneous FAQs		
5.1 Misc	I am the premises officer for a large number of buildings throughout the province. When contractors are in replacing fluorescent tubes it won't be economically viable for me to consign one tube from so many sites. What can I do?	<p>Under the Waste Management Licensing Regulations (Northern Ireland) 2003 – Schedule 3 Part 1 (41), waste can be stored temporarily at the site of production providing it is not stored for more than twelve months and providing the quantity stored does not exceed a certain amount*.</p> <p><i>* In the case of liquid wastes the volume must not exceed 23,000 litres and in other cases the volume must not exceed 80 cubic metres (these quantities only apply where the waste is stored in a secure container).</i></p> <p>Therefore it is possible to bulk up wastes (in a suitable container) and then consign it when there is a significant quantity of it.</p>
	How can I find out which companies are registered waste carriers?	A full list of registered waste carriers is available on our website www.ehsni.gov.uk . The list can be found in the public registers part of the environmental protection / waste section.
	I am a landfill operator – what do I do if someone tries to dump hazardous waste at my site?	You should quarantine the waste and inform the Department immediately.
	What is the Department doing to promote the regulations and get the message out to the whole of Northern Ireland?	The Department ran five seminars throughout June 2005 at various locations throughout Northern Ireland. The Department has also been working with the Chartered Institute of Waste Management to promote the new Regulations. The Department will also provide guidance on our website, and also the hazardous waste team will be glad to answer telephone queries Tel: 028 90546462. There have been public notices in the local papers and there has been other media interest. The Department has made every effort to increase awareness of the new regulations with all available resources at our disposal.