

WASTE – SHORT GUIDE TO DUTY OF CARE RESPONSIBILITIES

What Is Waste?

A material is likely to be waste if:

- it's left over, unwanted or a burden on the producer or holder, e.g. building rubble and an unwanted office suite removed during a building renovation.
- it can no longer be used for its original purpose, it's out of date or has become damaged or unsuitable for use, e.g. broken items, goods past their use by dates.
- once it is deemed to be waste, even if it has a commercial value to other people, it will remain a waste until it is turned into a new product and achieves End of Waste e.g. scrap metal waste remains waste until it is recycled into new product.

Responsibilities For Waste Producers

You are a waste producer if you produce any substance or object which you discard, or intend, or are required to discard. It includes anything you dispose of, or send for recycling or other recovery.

- You must present waste correctly for collection, in accordance with your waste collectors' instructions and in accordance with waste legislation. Hazardous waste for example must be packaged correctly to comply with the Hazardous Waste Regulations (Northern Ireland) 2005 and the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations (Northern Ireland) 2010.
- You must obtain evidence from your collector (a copy of their waste carriers registration) that they are a current registered carrier with NIEA.
- You must have waste transfer notes for all inert and non-hazardous waste removed from your premises or site under your control and you must retain these for two years. All waste must be appropriately described with the correct EWC Code. A link to the list of EWC Codes is included in the Useful Links section below.
- You must have consignment notes for all hazardous waste removed from your premises or site under your control and you must normally retain these for three years. Please note the length of time that consignment notes need to be retained maybe more or less than three years, dependant on the destination of the waste. All waste must be appropriately described with the correct EWC Code.

- Your waste must only be transferred to a waste management facility that is authorised to accept it. You should obtain a copy of the sites' authorisation (PPC Permit, Waste Management Licence, Waste Management Exemption) and where necessary their working plan, to examine the EWC Codes specified.
- Householders are not required to have or retain waste transfer notes for household waste removed from their premises and they are not required to retain consignment notes for hazardous waste.

Responsibilities For Waste Carriers

- You must be a current registered waste carrier with NIEA.
- You must work with waste producers and appropriately authorised waste treatment facilities, to ensure that you only collect acceptable material and that the method of collection you use is correct. For example, the waste must be appropriately contained to ensure it does not leak or cause nuisance with regard to odour or dust etc.
- You must fully understand the types of waste that waste treatment facilities can accept.
- You must provide instructions to your customers on how they should present waste for collection.
- You must engage with customers and provide them with information, to eliminate non-conforming material from the waste you will collect.
- On collection, you must check the waste to ensure there is no non-compliant material present. You must develop and implement a policy whereby, you do not collect waste which is contaminated with non-conforming material.
- You must have waste transfer notes for all the inert and non-hazardous waste you carry. They must accompany the waste during transport and you must retain these for two years. On waste transfer notes all inert and non-hazardous waste must be appropriately described with the correct EWC Code.
- Hazardous Waste must be accompanied by consignment notes and these must normally be retained for three years. Please note the length of time that consignment notes need to be retained maybe more or less than three years, depending on the destination of the waste. On consignment notes all hazardous waste must be appropriately described with the correct EWC Code.
- You must carry waste appropriately. For example hazardous waste must be carried in accordance with the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations (Northern Ireland) 2010.

Responsibilities For Those Accepting, Storing And Treating Waste

- You must hold an appropriate waste authorisation for the acceptance, storage and treatment of waste (PPC Permit, Waste Management Licence, Waste Management Exemption).
- You must obtain evidence from all collectors (a copy of their waste carriers registration) delivering to your facility that, they are a current registered carrier with NIEA.
- You must work with collectors of waste, to ensure that the material you receive complies with your facility's' waste authorisation.
- You must assess waste streams from individual collection service providers, to ensure your facility can accept their material.
- You must develop critical limits for the acceptance of waste at your facility, to ensure you will comply with the storage limits and times detailed on your waste authorisation.
- You must inspect all incoming loads of waste and reject those that, contain materials which are not compliant with the waste authorisation in place for your facility.
- You must notify NIEA of all rejected loads of waste from your waste facility.
- You must have waste transfer notes for all inert or non-hazardous waste transferred to and removed from your premises and these must be retained for two years. Hazardous Waste transferred to and removed from your premises must be accompanied by consignment notes and these must normally be retained for three years. Please note the length of time that consignment notes need to be retained maybe more or less than three years, dependant on the destination of the waste. All inert, non-hazardous and hazardous waste must be appropriately described with the correct EWC Code.

Short Enforcement Guide

- You will be committing an offence, if you give waste to an unregistered waste carrier.
- You will be committing an offence, if you do not have valid waste transfer notes and or consignment notes for the movement of waste.
- You will be committing an offence, if you transport waste and you are not registered with NIEA to do so.
- You will be committing an offence, if you transport waste and do not have a complete waste transfer note with you.
- You will be committing an offence, if you accept waste without holding the relevant waste authorisation.
- You will be committing an offence, if you keep, treat or dispose of waste without the relevant waste authorisation.

Useful Links

The Duty of Care - A Code of Practice

<https://www.daera-ni.gov.uk/sites/default/files/publications/doe/duty-of-care-code-of-practice-june2016.pdf>

Registration of Carriers Guidance

<https://www.daera-ni.gov.uk/sites/default/files/publications/doe/waste-guidance-june2016.pdf>

Lower Tier Carrier Application Form

<https://www.daera-ni.gov.uk/sites/default/files/publications/doe/waste-form-application-lower-tier-waste-carrier-september-2016.pdf>

Upper Tier Carrier Application Form

<https://www.daera-ni.gov.uk/sites/default/files/publications/doe/waste-form-application-upper-tier-waste-carrier-august2016.pdf>

Waste Management Licences Public Register

<https://www.daera-ni.gov.uk/services/waste-management-licensing-public-register>

Waste Management Exemptions Public Register

<https://www.daera-ni.gov.uk/services/exemptions-waste-management-licensing-public-register>

EWC Codes – The List of Wastes Regulations (Northern Ireland) 2005

http://www.legislation.gov.uk/nisr/2005/301/pdfs/nisr_20050301_en.pdf

Hazardous Waste Regulations (Northern Ireland) 2005 and the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations (Northern Ireland) 2010.

http://www.legislation.gov.uk/nisr/2010/160/pdfs/nisr_20100160_en.pdf

http://www.legislation.gov.uk/nisr/2011/365/pdfs/nisr_20110365_en.pdf

Further Information

Further information related to waste can be obtained from <https://www.daera-ni.gov.uk/topics/waste> or by contacting Tel No. 02890 569359.