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Karalius Brothers (Waste) Ltd
Ferrous and Non Ferrous Metal Merchants

Waste Producer's Duty of Care Explained

What is waste?

In practical terms, waste is the by-product of the normal activities your business undertakes on a day to day basis. For example, a company which manufactures steel enclosures will have off-cuts of steel sheeting which are too small to be useable in the manufacture of the enclosures they produce. These off-cuts of scrap metal are classed as waste and have an Environmental Waste Code associated with them therefore they are a controlled waste.

In the case of scrap metal in its many forms, there is a residual value to the waste produced which in itself encourages the recycling of the waste. However, regardless of whether or not there is an economic benefit to recycling the waste, a waste producer is legally required to ensure that the waste they produce is carried by and disposed of through properly licensed companies.

Waste Storage

Security precautions at sites where scrap metal is stored should prevent theft, vandalism or scavenging of waste. Producers of waste should take particular care to secure waste material attractive to scavengers, for example building and demolition materials and scrap metal.

Waste handed over to another person / company should be in containers which are strong and secure enough to contain the waste and prevent its disturbance or distribution by the wind etc. In practical terms, dependent upon the quantity of waste, the container most suitable would be some form of skip.

Failure to ensure the safe storage of the waste could lead to the risk of pollution to the immediate and surrounding environment with the potential to result in action being taken against a waste producer by the Local Authority or Environment Agency.

Waste Disposal

Waste may only be carried by licensed waste carriers and disposed of through licenced recycling / disposal facilities. Wherever possible the re-use, re-purposing and recycling of waste should take priority over disposal through land fill. By minimising the amount of waste going to landfill in this way, precious natural resources are conserved and there is a cost benefit to be realised by the waste producer also.

Anyone intending to transfer waste to a carrier will need to check that the carrier is registered or is exempt from registration. A registered carrier's authority for transporting waste is either his certificate of registration or a copy of his certificate of registration. The certificate or copy certificate will show the date on which the carrier's registration expires.

All copy certificates must be numbered and marked to show that they are copies and have been provided by the Agencies (or before 1 April 1996 by the relevant waste regulation authority). Photocopies are not valid and do not provide evidence of the carrier's registration.

Waste Disposal (Continued)

In every case, when a consignment of waste is carried by a Licensed Waste Carrier, the Waste Carrier must give a copy of a Duty of Care note to the Waste Producer describing the type, quantity and relevant Environmental Waste Code of the waste being carried. This must correspond with the description of the waste as documented in the Duty of Care as raised by the Waste Producer.

Checks after Transfer of Waste

Most waste transfers require no further action from the person transferring waste after the waste has been transferred. A producer is under no specific duty to audit his waste's final destination. However, undertaking such an audit and subsequent periodic site visits would be a prudent means of protecting his position by being able to demonstrate the steps he had taken to prevent illegal treatment of his waste.

One exception is where a holder makes arrangements with more than one party. For example, a producer arranges two contracts, one for disposal and another for transport to the disposal site. In that case the producer should establish that he not only handed the waste to the carrier but that it reached the disposer.

Failure to ensure that the intended destination of the waste being disposed of is in fact where the waste is actually disposed of could result in severe penalties should it be found that the waste was disposed of through an un-licensed company.

Site Licenses for Scrap Metal Recycling

In order for a Scrap Metal Recycling company to be able to receive your Waste Scrap Metal, it must have in place an Environmental Permit which details the types and quantities of waste which can be received along with every Environmental Waste Code for each type of waste covered by the permit.

For example **EWC Code 16 01 17** is the relevant code for ferrous metal from which the cases of washing machines are made. **EWC Code 16 06 01** is the code for lead acid batteries which are typically found in cars.

If you wished to dispose of these types of waste the facility through which you intend to dispose of the wastes must have these codes listed in their permits to be able to accept these waste types legally.

In addition to the Environmental Permit the facility must also have a Site Licence issued by the Local Authority in whose area the Recycling Facility is located in. EG if the site is situated in Widnes, the Site Licence would be issued by Halton Borough Council.

Note

The Recycling facility must have planning permission to carry out recycling activities for the site and the specific areas within that site that they are licensed to operate from if their permits are to be considered to be valid.

Summary

To ensure you are disposing of your waste in full compliance with the law, always use the services of an established, reputable, licensed waste company. Any savings made by disposing through companies which may not be fully licensed and authorised to accept your waste may fade into insignificance when compared to the fines you may face for failing to comply with the Duty of Care imposed on all producers of waste.