

# Duty of Care & Waste Permitting

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# How did this happen / who was involved?

- Importer
- Producer
- Waste broker
- Waste carrier
- Keeper / Holder
- Waste contractor / Treatment/ Disposal

**Export  
controls**

**Environmental  
Permitting Regs  
2010  
Permits for  
Waste Sites**

**Waste  
E&W Regs  
2011  
Waste  
Hierarchy**

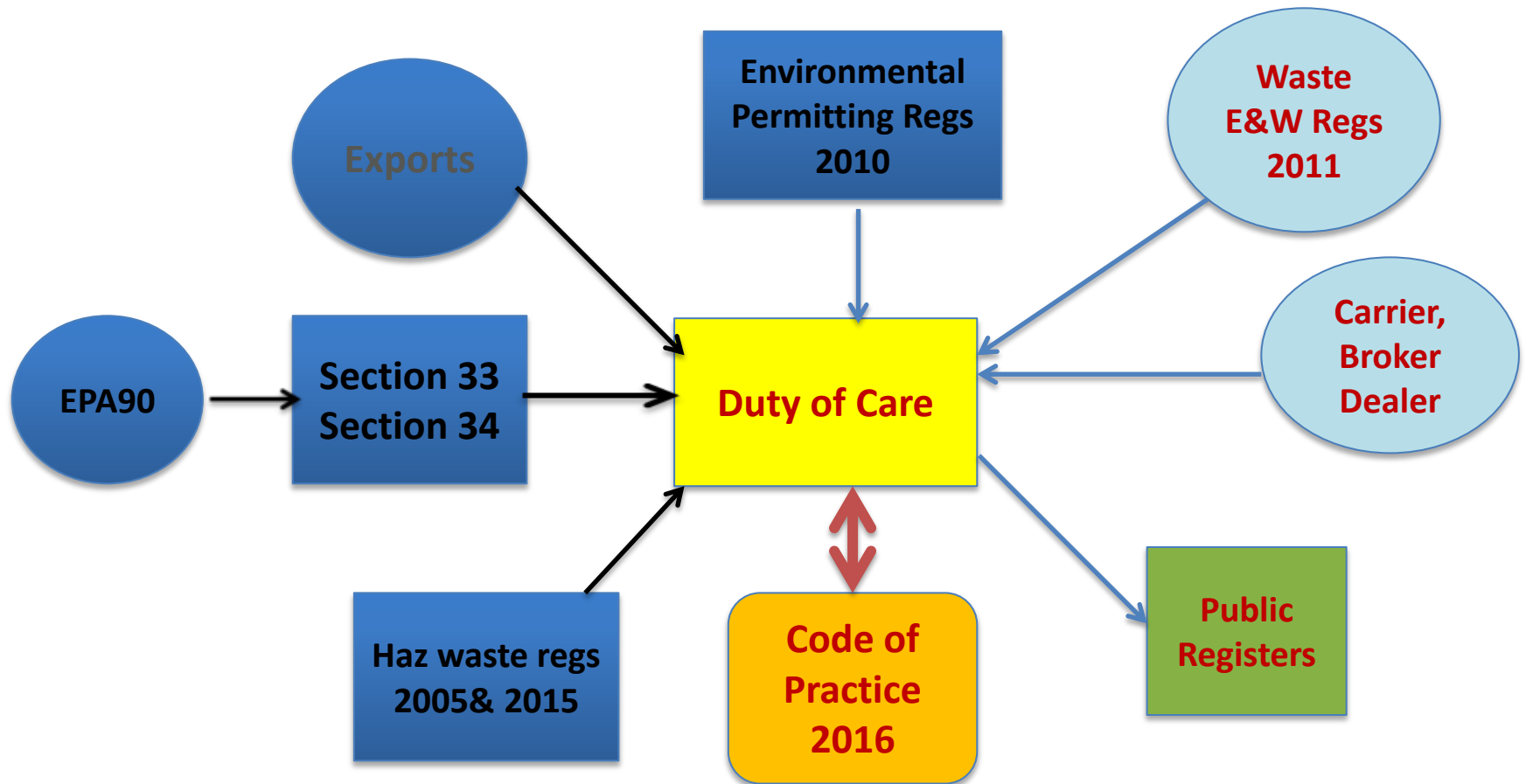
**EPA90**

**Carrier,  
Broker  
Dealer  
Registration**

**Haz waste regs  
2005& 2015**

**Public Registers  
Source of  
compliance  
information**

# Duty of Care (The Glue)



# What is Duty of Care

- The Duty of Care applies to anyone who, produces, imports, keeps, treats or disposes of controlled waste
- They have a duty to ensure that any waste is handled safely and in accordance with the law. Duty of Care has no time limit, and extends until the waste has either been finally and properly disposed of or recovered



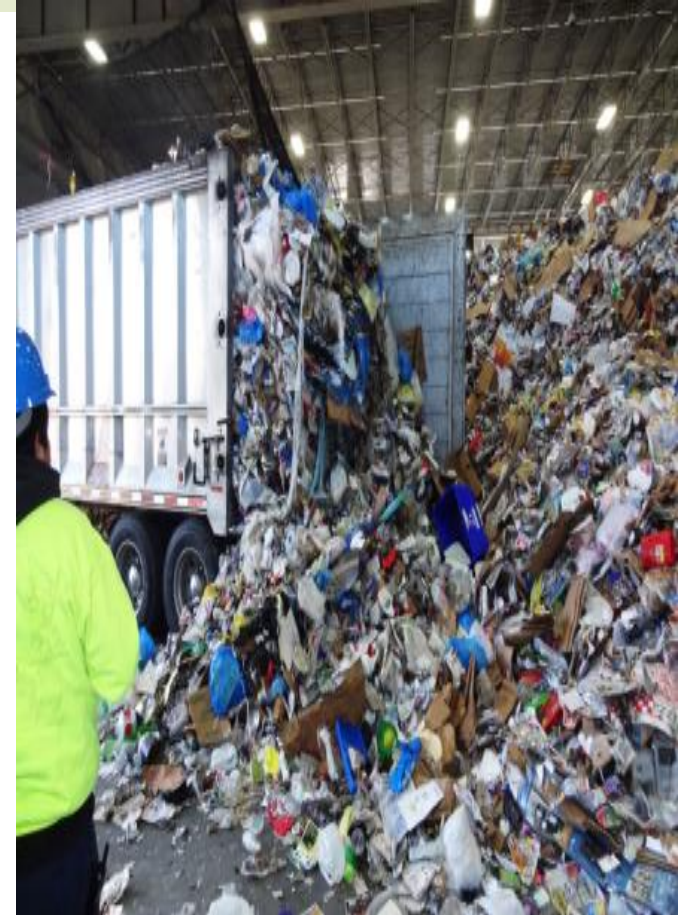
# Obligations on ALL holders of Waste

## Section 34 (1) of EPA90

- prevent any contravention by any other person of s33
- to prevent any contravention by any other person of regulation 12 of the Environmental Permitting Regulations 2010 or of a condition of a permit granted under those Regulations
- prevent the escape of waste from his control or that of any other person

# Obligations continued

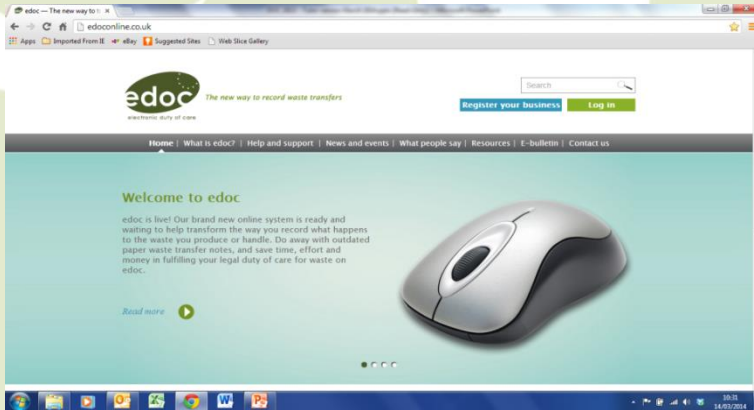
- transfer only to an 'Authorised person'
- to ensure [adequate] written description of the waste on transfer (Edoc, CWTN or Waste Information)





# Model Transfer Note

- 25 Million
- Majority not completed
- Coding of Waste issues
- Mis description and/or lack of adequate written description
- Season tickets
- Waste hierarchy



**Duty of care: waste transfer note** Keep this page and copy it for future use. Please write as clearly as possible.

## Section A – Description of waste

A1 Description of the waste being transferred  
 \_\_\_\_\_  
 \_\_\_\_\_  
 List of Waste Regulations code(s)  
 \_\_\_\_\_

A2 How is the waste contained?  
 Loose  Sacks  Skip  Drum   
 Other  \_\_\_\_\_

A3 How much waste? For example, number of sacks, weight  
 \_\_\_\_\_

## Section B – Current holder of the waste – Transferor

By signing in Section D below I confirm that I have fulfilled my duty to apply the waste hierarchy as required by Regulation 12 of the Waste (England and Wales) Regulations 2011 Yes

B1 Full name  
 \_\_\_\_\_  
 Company name and address  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 Postcode \_\_\_\_\_ SIC code (2007) \_\_\_\_\_

B2 Name of your unitary authority or council  
 \_\_\_\_\_

B3 Are you:  
 The producer of the waste?   
 The importer of the waste?   
 The local authority?   
 The holder of an environmental permit?   
 Permit number \_\_\_\_\_  
 Issued by \_\_\_\_\_  
 Registered waste exemption?   
 Details, including registration number  
 \_\_\_\_\_

A registered waste carrier, broker or dealer?   
 Registration number \_\_\_\_\_  
 Details (are you a carrier, broker or dealer?)  
 \_\_\_\_\_

## Section C – Person collecting the waste – Transferee

C1 Full name  
 \_\_\_\_\_  
 Company name and address  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 Postcode \_\_\_\_\_

C2 Are you:  
 The local authority?

C3 Are you:  
 The holder of an environmental permit?   
 Permit number \_\_\_\_\_  
 Issued by \_\_\_\_\_  
 Registered waste exemption?   
 Details, including registration number  
 \_\_\_\_\_

A registered waste carrier, broker or dealer?   
 Registration number \_\_\_\_\_  
 Details (are you a carrier, broker or dealer?)  
 \_\_\_\_\_

## Section D – The transfer

D1 Address of transfer or collection point  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 Postcode \_\_\_\_\_

D2 Broker or dealer who arranged this transfer (if applicable)  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 Postcode \_\_\_\_\_

Date of transfer (DD/MM/YYYY) \_\_\_\_\_  
 Registration number \_\_\_\_\_  
 Time(s) \_\_\_\_\_

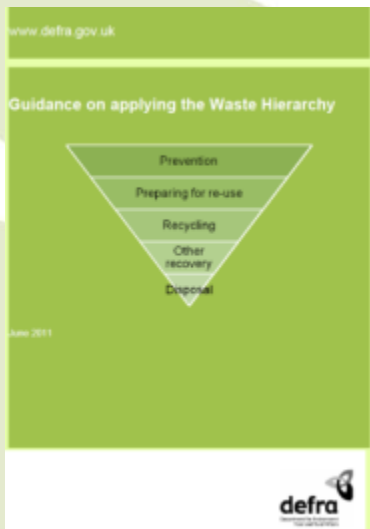
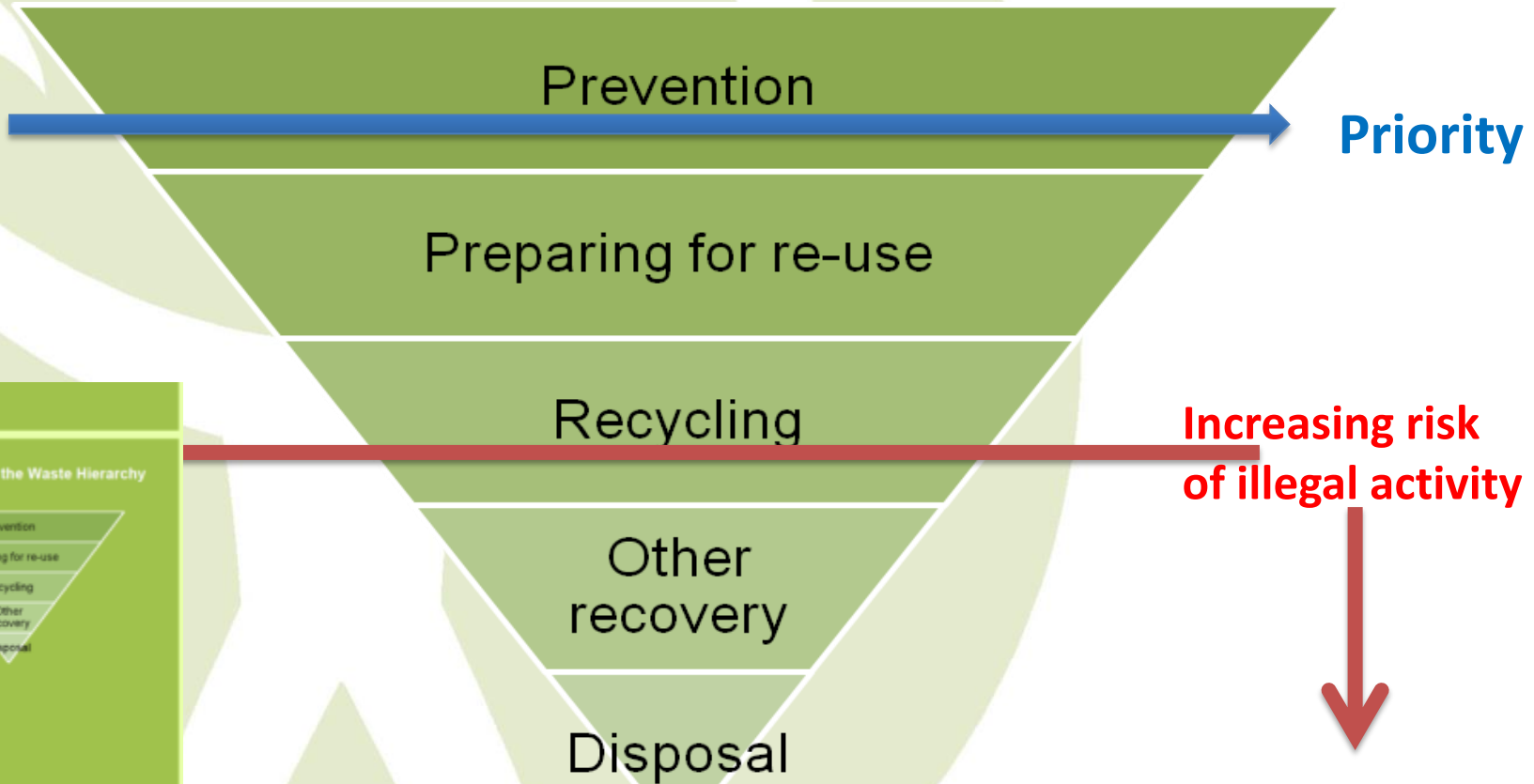
Transferor's signature \_\_\_\_\_  
 Name \_\_\_\_\_  
 Representing \_\_\_\_\_

Transferee's signature \_\_\_\_\_  
 Name \_\_\_\_\_  
 Representing \_\_\_\_\_

WMC2A Version 3, August 2011

page 1 of 1

# Waste Hierarchy and Duty of Care



*Wrong waste, wrong place*

# Statutory Code of practice

New code of practice just issued by DEFRA

<https://www.gov.uk/government/publications/waste-duty-of-care-code-of-practice>

## Contents

- 12 pages, internet based, downloadable pdf
- Scope – how does it apply, who does it apply to, definitions
- Householders responsibilities
- Requirements ie goes through the 5 Obligations
- Other legislation

NO technical detail

# Industry led '*right Waste, right Place*'

- **Dedicated Website** - <http://www.rightwasterightplace.com/>
  - Downloadable content, interactive, videos/animation, case studies, links to third parties
- **Best Practice guidance**
  - Easy to read, case studies, waste 'top trumps', downloadable, FAQs, leaflets, infographics and posters
  - Build on Defra guidance
- **Market research to gauge awareness of Duty of Care**
  - Utilising existing research as much as possible
- **Campaign Press Office/Active Engagement**
  - Sustain media interest throughout the life of the campaign
  - Strong digital element, use of social media, digital analysis to help quantify success of campaign
  - Active engagement with waste producing sectors



# Why do we have Duty of Care

- Address illegal activity
  - Crime costs us £1b year
  - >3000 illegal sites
  - Undercuts compliant industry
- Reduce harm to human health and environment
- Do the right thing
  - Waste resource/hierarchy







Thank you

Any questions ?