



LEGISLATION AFFECTING WASTE BATTERIES

INTRODUCTION – THE WASTE PRODUCER

There are several pieces of legislation that affect the storage, collection and recycling of waste batteries generated in the UK, and this guidance note gives an overview of them all. G & P's service is compliant with all current legislation, giving you peace of mind in meeting what can be very complex legislative requirements.

In the UK the waste producer is responsible for the description of the waste and its disposal. It is therefore extremely important that you adequately and accurately describe the type of batteries we will be collecting on your behalf. If you are in any doubt about how to describe your waste batteries, please call G & P on 0121 568 3200.

The regulations affecting the storage, transport and disposal of waste batteries are enforced by the Environment Agency (EA) in England and Wales, the Scottish Environmental Protection Agency (SEPA) in Scotland and the Environmental and Heritage Service in Northern Ireland (EHSNI)

As a producer of waste batteries you have a duty of care to ensure that such waste is correctly stored on your premises and that it is transported compliantly to its final destination for recycling. You must be able to prove that you have considered the waste hierarchy and checked the credentials of your chosen waste collection and disposal/recycling company and that it is fully compliant with all current legislation.

Copies of our current licenses and registrations are available on our website, or on request from our offices.

THE WASTE BATTERIES AND ACCUMULATORS REGULATIONS 2009 AND THE BATTERIES AND ACCUMULATORS (PLACING ON THE MARKET) REGULATIONS 2008

These two regulations effectively transpose the European Batteries Directive 2006/66/EC of the European Parliament and of the Council into UK law. They establish the principle of producer responsibility in the batteries market, requiring producers of batteries and accumulators to take responsibility for separately collecting and recycling batteries and accumulators once they become waste.

The UK Waste Batteries and Accumulators Regulations is the most influential legislation in shaping how waste batteries are dealt with in the UK, introducing producer responsibility, Battery Compliance Schemes (BCS), Authorised Battery Treatment Operators (ABTO) and Authorised Battery Exporters (ABE) into the waste battery market, and also setting targets for the collection of portable batteries and the recycling efficiency of processes waste batteries are sent through.

G & P has prepared a separate Guidance Note for these regulations, entitled The UK Waste Battery Regulations which is available on our website or from our offices.



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THE HAZARDOUS WASTE REGULATIONS 2005 – ENGLAND AND WALES

After the UK Waste Battery Regulations, The Hazardous Waste Regulations in England and Wales and the Special Waste Regulations in Scotland and Northern Ireland are probably the most important pieces of legislation concerning waste batteries. However, there are many other pieces of legislation which are relevant and these are also listed in sections below.

The Hazardous Waste Regulations came into force in July 2005 and replaced the Special Waste Regulations in England and Wales.

All batteries are effectively classed as hazardous waste. This is because they contain corrosive materials such as sulphuric acid or potassium hydroxide, as well as heavy metals such as cadmium and lead. Some can be explosive under certain conditions.

The Hazardous Waste Regulations contain strict rules for the storage, transport and disposal of waste batteries, and anyone failing to comply with these regulations is committing an offence.

Your Responsibilities.

If you have waste batteries to recycle, you must comply with the following requirements:

- The site at which the waste batteries were generated must be registered with the Environment Agency as a Hazardous Waste Producer, and pay an annual registration fee. (There are a very small number of sites which may be exempt. G & P can advise you if necessary.)
- The Consignment Note procedure must be complied with. A Consignment Note must accompany each movement of waste batteries, and a fee must be paid to the Environment Agency. Details of each consignment note must be notified to the Environment Agency every quarter, and a fee for certain movements paid.
- The carrier which removes the waste batteries from your premises must be registered with the EA as a carrier of controlled waste. (See G & P Licenses/Terms section for a copy of our certification)
- Each time waste batteries are taken from your premises you must sign a copy of the Consignment Note that applies to that transaction.
- Under the requirements covering Duty of Care, you must ensure your waste batteries are destined to be recovered of safely and in accordance with the legislation.



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SCOTLAND - THE SPECIAL WASTE REGULATIONS 1996; THE SPECIAL WASTE AMENDMENT (SCOTLAND) REGULATION 2004; THE WASTE (SCOTLAND) REGULATIONS 2011

All batteries are effectively classed as special waste. This is because they can contain corrosive materials such as sulphuric acid or potassium hydroxide, as well as heavy metals such as cadmium and lead. Some can be explosive under certain conditions.

The Special Waste Regulations contain strict rules for the storage, transport and disposal of waste batteries, and anyone failing to comply with these regulations is committing an offence.

Your Responsibilities

- Depending on the category of battery, a pre-numbered Consignment Note must be purchased from SEPA.
- Pre-notify SEPA of the collection(s) to be made.
- The initial collection needs to be made no sooner than three days after pre-notification but within 28 days of it being made. Subsequent movements of the same material from the same consignor using the same carrier to the same consignee can be made without further pre-notification for a period of one year.
- Copies of the Consignment Note must accompany the load.
- Carriers rounds rules can apply. This allows multiple collections on one consignment of the same material type from different customers.

For cross-border movements to England and Wales a SEPA Consignment Note must be used but not necessarily notified to SEPA and no Hazardous Waste Registration of the site is required for the EA in England and Wales. The consignment must also be notified as part of the quarterly returns procedure to the EA in England and Wales.

For movements of Special Waste into Scotland a Consignment Note under the Hazardous Waste Regulations (England and Wales) is used. It must be pre-notified to the SEPA office as described above and then a copy of the consignment note returned to SEPA by the consignee once the disposal is completed.

NORTHERN IRELAND - THE HAZARDOUS WASTE REGULATIONS (NORTHERN IRELAND) 2005

The regulations in Northern Ireland are similar to those in Scotland, however consignment note formats similar to those in England and Wales are used.

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The Hazardous Waste Regulations contain strict rules for the storage, transport and disposal of waste batteries, and anyone failing to comply with these regulations is committing an offence.



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Your Responsibilities

- Depending on the category of battery, purchase a pre-numbered Consignment Note from EHSNI
- Pre-notify EHSNI of the collection(s) to be made.
- The initial collection needs to be made no sooner than three days after pre-notification but within 28 days of it being made. Subsequent movements of the same materials from the same consignor using the same carrier to the same consignee can be made without further pre-notification for a period of one year.
- Copies of the Consignment Note must accompany the load.
- Carriers rounds rules can apply. This allows multiple collections on one consignment of the same material type from different customers.

For cross-border movements to England and Wales an EHSNI Consignment Note must be used but not necessarily notified to EHSNI and no Hazardous Waste Registration of the site is required for the EA in England and Wales. The consignment returns must also be notified as part of the quarterly returns procedure to the EA in England and Wales.

ENVIRONMENTAL PROTECTION ACT 1990, PART II

Governs the way waste is stored and handled on land to prevent contamination. Applies to the way customers store waste batteries, necessitating special storage facilities for the safe containment of waste batteries which contain hazardous substances. Governs the way waste is stored and handled on land to prevent contamination. Applies to the way customers store waste batteries, necessitating special storage facilities for the safe containment of waste batteries which contain hazardous substances.

ENVIRONMENTAL PROTECTION (DUTY OF CARE) REGULATION 1991

Provides the framework for the environmental controls, information and documentation required for the storage, movement, recovery and disposal of controlled waste, such as batteries. It also specifies what the Duty of Care requirements are.

THE CONTROLLED WASTE (REGISTRATION OF CARRIERS AND SEIZURE OF VEHICLES) REGULATION 1991

States that a waste carrier employed by your company must be registered with the EA and as such holds a license to carry your controlled waste. It is vital that you have had sight of such a license and that it is current.

LANDFILL REGULATIONS 2002

Introduced in 2002, these regulations effectively prevent waste batteries from being landfilled as they do not fulfil the required 'pre-treatment' criteria to prevent them from exhibiting corrosive properties prior to being sent to landfill.



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THE CARRIAGE OF DANGEROUS GOODS AND USE OF PORTABLE PRESSURE EQUIPMENT REGULATIONS 2009; THE CLASSIFICATION, LABELLING AND PACKAGING REGULATIONS 2010; ADR-EUROPEAN AGREEMENT CONCERNING THE INTERNATIONAL CARRIAGE OF DANGEROUS GOODS BY ROAD

The definition of Dangerous Goods is different from that of Hazardous Waste and many batteries are classed as both Dangerous Goods and Hazardous Waste.

These regulations require all Dangerous Goods to be carried in a secure, safe and environmentally controlled manner and that the haulier has both the necessary training and resources to ensure that the Dangerous Goods are transported safely.

The carrier has the right to refuse carriage if Dangerous Goods are not packaged in accordance with the regulations.

THE TRANSFRONTIER SHIPMENT OF WASTE REGULATIONS 2007

Govern movements of waste between different countries and their control system is based on 'prior informed consent.' A Consignment Note is used for notification to the relevant authorities and the waste can only be shipped once their consent has been given and it has to follow the specific route notified. In addition to the Consignment Note, all shipments must be covered by a significant Financial Guarantee or Bond, to be used in case something prevents the waste from reaching its specified destination. No hazardous waste can be transported into or out of the UK without TFS Documentation and a certificate of Financial Guarantee or Bond.

ENVIRONMENTAL PERMITTING (ENGLAND AND WALES) REGULATIONS 2010

Controls the specific conditions in which wastes should be managed on land. In the case of batteries, these should be stored in suitable containers and removed by registered carriers, for safe transportation, to their point of disposal / recycling.

If you manage your own hazardous waste and/or manage other people's wastes on a site (e.g. If you bring others' waste batteries to your site), then to conform to this legislation you will require an Environmental Permitting License or official exemption from licensing issued by the EA, SEPA or EHSNI.

WASTE (ENGLAND AND WALES) REGULATIONS 2011

Amongst other changes and specific updates for some aspects of waste controls, you must now, whenever you pass waste on to someone else, declare on the waste documentation that you have applied the waste management hierarchy.