

Duty of Care in Waste Storage and Disposal

This Note should be read in conjunction with the Guidance Note 'Classification of Waste' that gives guidance on waste classification and also with the Guidance Note 'Identifying Special Waste'.

Introduction

The Environmental Protection Act 1990 imposes a 'Duty of Care' on all those who import, produce, keep, carry, treat, dispose or have control of controlled waste (also sometimes known as directive waste). With the exception of radioactive waste all waste produced by Universities is controlled waste. Radioactive waste is subject to different legislative requirements and information on this can be obtained from Radiation Protection Service.

The 'Duty of Care' can be summarised as follows:

- You must prevent the illegal deposit, disposal or treatment of any waste that you have produced.
- You must prevent waste from escaping from your control (leaking, blowing away, being stolen etc).
- You must ensure that you transfer waste only to authorised persons.
- You must ensure that any waste, which you transfer to another person, is accompanied by a written description. This description must be sufficient to allow others to appreciate the nature of the waste so that they can avoid committing an offence when they are managing it.
-

Waste producers must segregate different types of waste so as to prevent mixing of incompatible materials or substances. An efficient waste segregation process can also help control the cost of waste disposal as it will ensure that material, which is relatively inexpensive to dispose, is not being bulked with waste for which a higher charge is made.

Typical waste streams are:

- Non-hazardous waste. Some non-hazardous waste is suitable for recycling
- Special waste (including clinical waste).

Non-hazardous Waste

The majority of the waste that is generated in the University is not hazardous. Solid non-hazardous waste is normally deposited in appropriate containers (e.g. dustbins, recycling containers) on each Campus and is uplifted and disposed by a University approved supplier. Liquid waste is disposed via the drain. Estates and Buildings ensures that the University

approved supplier that uplifts non-hazardous solid waste is authorised to transport and dispose of it and also ensures that a written description is provided. Waste producers have a duty to ensure that waste being disposed through this general waste stream is not hazardous to individuals or to the environment, that is, to ensure that it is not special waste or radioactive waste.

Waste electronic and electrical equipment (WEEE) is generated in varying quantities by all management units. Some of this type of equipment is hazardous and is must be classified as special waste (e.g. TVs and computer monitors). As a result it is subject to a higher level of responsibility. In addition to this the Waste Electronic & Electrical Equipment Regulations 2006 require that **all** WEEE is treated, recovered or disposed in a way that is environmentally sound. As a result of this requirement waste producers **must not put any item of WEEE into the normal waste stream**. Further information about disposal of WEEE can be found on SEPS web site and on the My Glasgow area of the University web site.

Further information on classifying waste and on identifying special waste is given in the SEPS Guidance Notes 'Classification of Waste' and 'Identifying Special Waste'. Information on radioactive waste can be obtained from Radiation Protection Service.

Some non-hazardous waste is suitable for recycling. The Duty of Care, as described in this Note, is applicable to all streams of waste including waste that is destined for recycling. Information on how waste producers can engage in University recycling initiatives can be obtained from Estates & Buildings or from the University web site My Glasgow.

Some material that is not initially suitable for disposal though the normal waste stream can be treated or made safe prior to disposal by the non-hazardous waste route. If you produce material that you think is suitable for such a process please contact SEPS and we will help you to explore this option.

Producers of large quantities of non-hazardous waste that is disposed via a hired skip should apply the principles that are outlined in the Introduction to this Note. These principles of duty of care are considered in greater detail in the section below titled Your Duties as a Waste Producer/Holder.

ONLY NON-HAZARDOUS WASTE MAY BE DISPOSED VIA THE DUSTBINS AND THE GENERAL WASTE DISPOSAL SYSTEM THAT IS OPERATED BY ESTATES & BUILDINGS.

In addition, builder's rubble and electrical and electronic waste may not be disposed through this waste stream.

Hazardous Waste.

Hazardous waste cannot be disposed by the routes described above and is likely to be categorised as special waste, or radioactive waste. For definitions see the Notes 'Classification of Waste' and 'Identifying Special Waste'.

The majority of this type of waste will have to be disposed via a specialist company. In arranging this departments must take account of their 'Duty of Care' and the specific responsibilities outlined in this Note.

The general duty of care for waste applies to all waste producers, those producing or holding hazardous waste have additional duties and responsibilities:

Your Responsibilities as a Waste Producer/Holder

Store the Waste Safely

In the case of waste which is not particularly hazardous and is produced in small quantities it may be expedient to store it until sufficient quantity exists to justify commercial removal and disposal. For whatever length of time waste is stored, it must be stored safely and in a way which prevents escape. The area in which the waste is stored must be secure to prevent its illegal removal or release by vandals, thieves, children or trespassers. Appropriate steps must also be taken to protect waste from scavenging animals and to secure it from blowing away. In addition, the waste must be kept safe against release due to corrosion or wear of the container, accidental spillage, leakage or inadvertent leaching by rain, and against the containers breaking open and the contents escaping (e.g. as a result of an accident). Any container used for waste must be capable of containing it securely until it reaches its final destination. Waste producers should seek guidance from their waste disposal company about the use of suitable storage containers that conform to EU standards. If you produce waste you should put in place a routine inspection programme which ensures that the status of any waste being stored is reviewed at appropriate intervals.

The correct segregation of waste at the time of collection and prior to storage will help you discharge your obligations and may allow cost savings. An example of this is in the laboratory where pipette tips which are not contaminated with any hazardous material (and are suitable for disposal via the normal waste stream) are placed in sharps containers and then are disposed as hazardous waste. Hazardous waste requires a special uplift and the waste producer pays the cost of removal and disposal, related to the quantity of waste disposed.

Check Licensing and Registration

Companies that undertake the transport of waste must be registered with the Scottish Environmental Protection Agency¹ (SEPA) or the Environment Agency² in England and Wales. Anyone undertaking the treatment or disposal of waste must also hold an appropriate licence or permit issued by one of these agencies.

Before engaging any person to transport, manage or dispose of your waste you are required to ensure that the individual or company holds the appropriate waste carriers registration and/or 'waste manager' licence.

Typically, University waste producers will engage a Company who will act as a 'waste manager', that is someone who stores waste, who processes it in some intermediate way short of final disposal, who carries out a waste recovery operation or who carries out a waste disposal operation.

If the waste is to be transferred between carriers or between a carrier and a waste manager you must ensure that all parties involved are appropriately registered and/or licensed.

You should ask to inspect registration and licence or permit documents and ensure that the carrier or waste manager is permitted to undertake the task for which you wish to engage them. The licence or permit normally records the type and quantity of waste which the operator may deal with and the way in which the waste is to be managed. Any document, which you inspect, should be an original or a certified copy. Official guidance documents suggest that photocopies are not valid and do not provide evidence of current registration or licensing. You should also check other relevant details on the document such as the name of the company or individual, the address and the date of expiry of the registration, licence or permit.

It is also necessary for you to confirm that the registration, licence or permit has not been revoked since the issue of the paperwork. This information should be sought by contacting the

appropriate Environment Agency and providing the name of the individual or company and the registration number which is shown on the document.

University waste producers may omit the steps to ensure that the waste manager is suitably licensed and registered if they use a University approved supplier as this process is undertaken centrally at the time of engaging the supplier. Information on approved suppliers is available on the Purchasing Office web site.

Describe the Waste

The Environmental Protection (Duty of Care) Regulations 1991 require that any waste which is being transferred (for transport, disposal etc.) must be suitably described.

Companies who specialise in the transfer of waste generally have a standard form that can be used for this purpose. Descriptive paperwork that accompanies non-hazardous waste which is being transferred is termed a transfer note and must state:

- The quantity of waste (usually described by weight)
- How it is packed (loose, container etc.) and the type of container (if it is contained).
- Name of the waste producer (that is the person within the management unit who is responsible for managing the waste)
- The department and the name of the University
- The name of the waste material (recorded in full, abbreviations often lead to misinterpretation)
- The type of activity from which the waste was produced (e.g. discarded waste chemicals from animal research (non-hazardous) etc.).

The transfer of special waste is accompanied by a consignment note. This takes the place of the transfer note. In addition to the information noted above, a consignment note must also record:

- European Waste Catalogue six figure code that is appropriate for the waste*,
- The physical form of the waste
- Details of the chemical or biological components that make the waste special waste (including details of % or concentration)
- Information about any hazardous properties that the waste may possess*.

*Further information about determining these details for waste are given in the Guidance Note 'Identifying Special Waste'

Remain Alert to any Problems

Throughout your dealings with any waste manager or carrier you should monitor their activities. If at any time you are unsure that their activities constitute what would be considered best practice you should intervene to stop the work from continuing and contact SEPS.

Documentation and Record Keeping

Special waste is regulated by a system that utilises the consignment notes. Copies of the consignment note accompany the waste at all stages and contain the description of the waste (see above). The consignment note is a five copy self carbonising form and is generally completed on your behalf by the waste management company. Retention of the relevant copy of the consignment note is the means by which appropriate records are held by all parties that have played a role in the disposal of the waste. Each copy of the form has five sections (labelled A–E) these sections refer to a different aspect of the waste transfer and must be filled out by the appropriate person (e.g. consignor, carrier or consignee).

The **Producer** is the person who produces waste. It is their responsibility to classify the waste they have produced. This task will generally be undertaken on your behalf if you engaged the University approved supplier. Nonetheless the responsibility for correct classification rests with the waste producer so it is essential that the Company has access to all information that will allow them to make an accurate classification. It is the waste producer's responsibility to ensure that the paperwork is completed correctly.

The **Consigner** is the person who causes the waste to be removed or transported from the place where it is being held (in the case of the University this is generally also the producer of the waste).

The **Carrier** is the person who transports the waste between the premises of the consignor and consignee e.g. the haulier

The **Consignee** is the person who will receive the waste for treatment, disposal or recovery at a suitably licensed/permitted facility (e.g. treatment facility or landfill site).

In the case of the University approved supplier the Carrier and the Consignee are generally the same company.

All consignment notes must carry a unique number (code) which is purchased from SEPA and consists of two letters and a series of numbers. Special waste produced in Scotland must be consigned on a note with a Scottish code; these carry the prefixes SA, SB or SC. If you are using the University approved supplier the provision of an appropriately numbered consignment note is part of the service provided by the supplier.

The intention to move special waste must be pre-notified to SEPA three days in advance by means of the pre-notification copy of the consignment note. This task will usually be undertaken on your behalf by the waste management supplier. When special waste is uplifted you will be required to complete a section on the consignment note to certify that the information provided on the form is correct (description of waste etc). As the waste producer you must then retain the consignor's copy for three years.

If you are disposing of chemical waste and are not using the University approved supplier the University requires that you send a legible photocopy of this form to SEPS so that a central register can be maintained, as is legally required. If you choose to engage the approved supplier for chemical waste disposal then this requirement will be undertaken by them and a copy of the consignment note will be sent directly to SEPS. Other copies of the consignment note are retained by the carrier and by the consignee (the person receiving the waste). When the waste reaches its ultimate destination the final copy of the form is sent to SEPA and is matched up with the pre-notification copy.

When entering into a contract for the disposal of special waste you should require that the waste manager provides you with a final destruction certificate for the waste. Depending on the nature and quantity of the waste being disposed there may be a considerable time delay between the consignment of the waste and the final destruction. This final destruction certificate should be retained together with your copy of the consignment note. If you are disposing of chemical waste and are not using the University approved supplier then a photocopy, clearly marked with the appropriate consignment note number(s) and department details must also be sent to SEPS. If you are using the University approved supplier for chemical waste this information will be copied to SEPS on your behalf.

Working in Other Management Units

Joint projects and use of the facilities provided by service units sometimes result in staff and post-graduate students carrying out part of their work activities in locations other than those in

which they normally work. If you, or someone you are supervising, produce waste in these circumstances you should consult with the permanent staff in these areas. You must discharge your duty of care by correctly following the local procedures that are in place to ensure best practice and legal compliance for the management and disposal of waste.

Further Information

Further information or specific advice can be obtained by contacting SEPS.

Environmental Protection Agency Contact Information:

1. Scottish Environmental Protection Agency (SEPA)

Head Office:-
Erskine Court
The Castle Business Park
Stirling
FK9 4TR
01786 457700

West Area:-
Rivers House
Murray Road
East Kilbride
G75 0LA
01355 574200

2. Environment Agency (EA)

Head Office:-
Rio House
Waterside Drive
Aztec West
Almondsbury
Bristol
BS32 4UD

