

# Regulating the waste industry

## 2013 evidence summary

February 2015

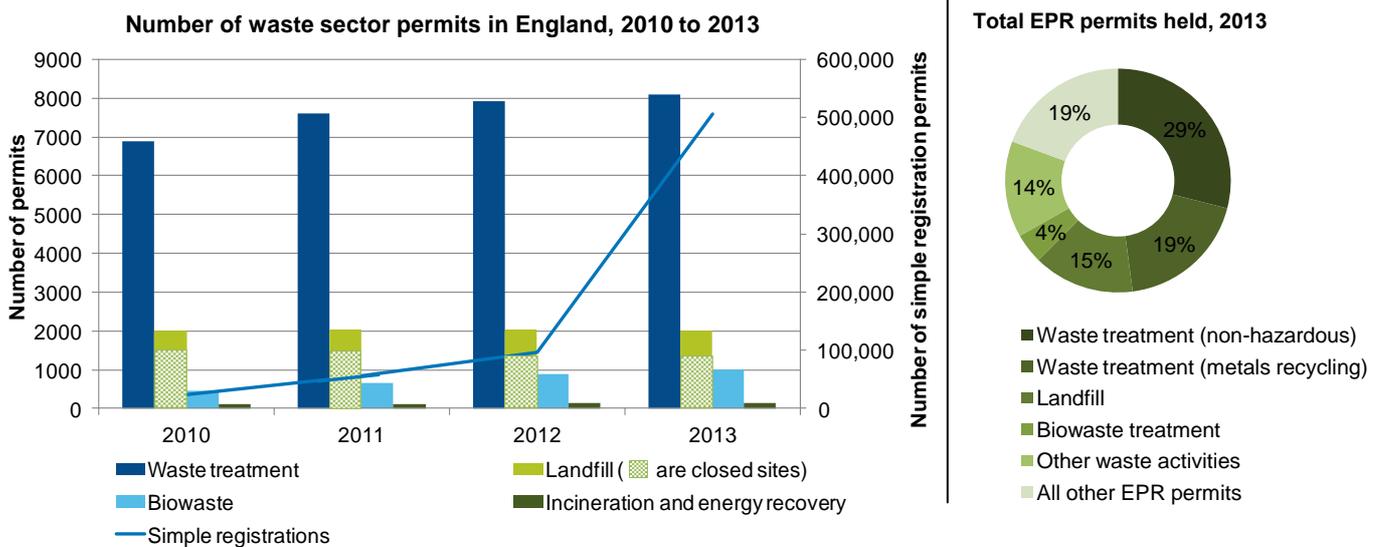
The way society manages waste has changed radically over the last 20 years, with implications for people, the environment and regulation.

As waste has been diverted away from landfill and up the waste hierarchy, there have been significant environmental benefits but also some environmental risks.

The UK waste management industry comprises organisations that manage the collection and transport of waste and those which manage its treatment and disposal, although the largest service providers often provide the full spectrum of services. The UK waste industry has recently shown steady year on year growth in turnover from £15.3 billion in 2008 to £18.5 billion in 2013.<sup>1</sup>

### The waste industry: key facts

The waste industry in England holds over 11,000 Environmental Permitting Regulations (EPR) permits issued by the Environment Agency; 81% of EPR permits.



The number of permitted facilities increased by 19% between 2010 and 2013. The increases in waste treatment permits are mostly in non-hazardous waste treatment and metals recycling.

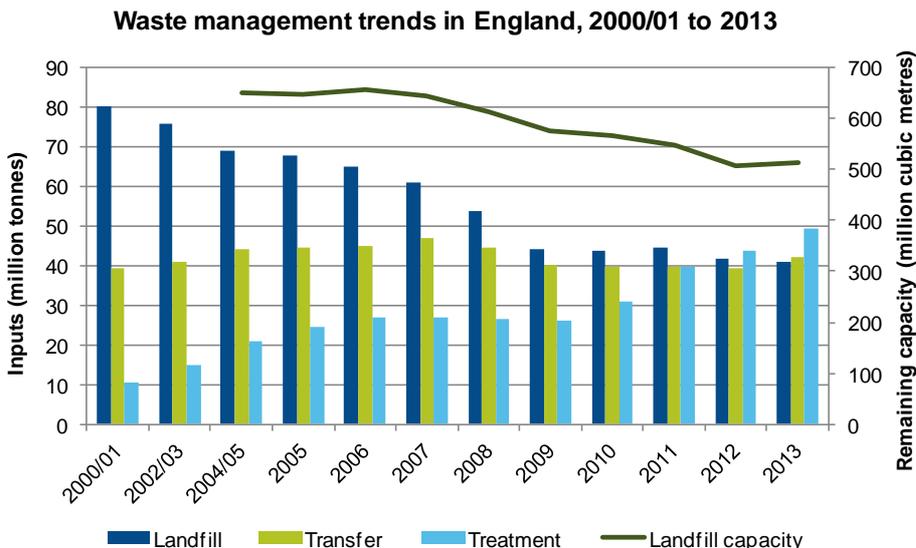
<sup>1</sup> Data is for Waste collection, treatment and disposal activities and materials recovery, ONS 2014. <http://www.ons.gov.uk/ons/rel/abs/annual-business-survey/index.html>. Data for 2013 is provisional.



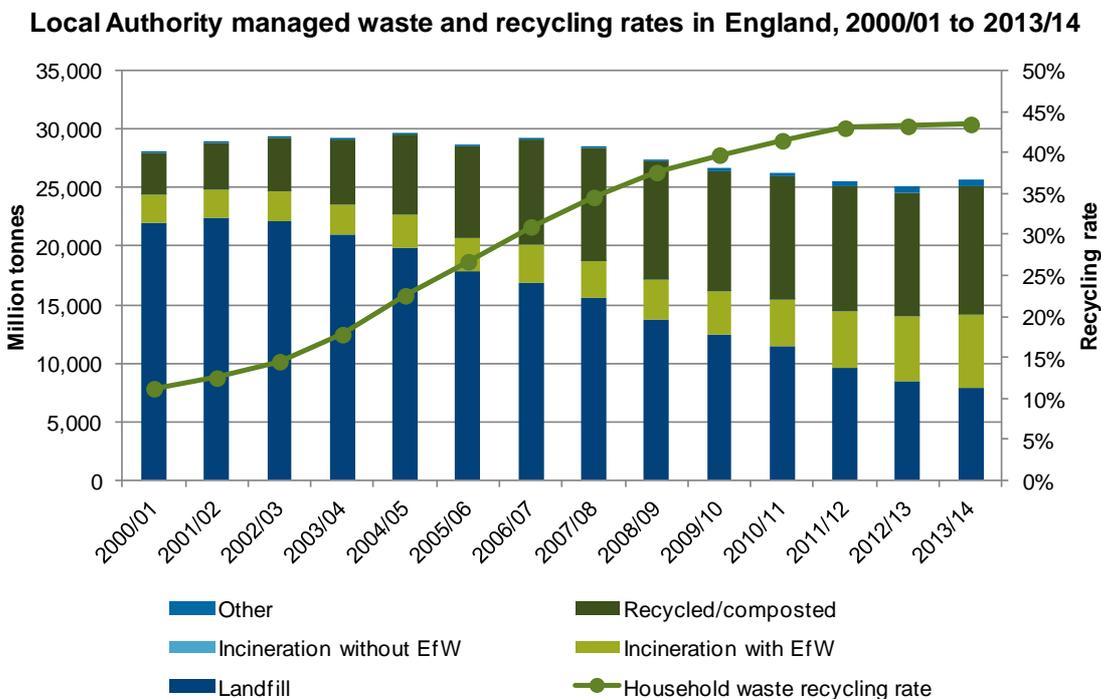
## The changing picture of waste management

In recent years, more waste has been re-used and recycled, and less landfilled.<sup>2</sup> Tax on landfilled waste was introduced in 1996 as a method of reducing the amount of waste sent to landfill sites. It was intended to encourage waste producers to use more sustainable waste management methods, such as recycling or composting.

The sites we regulate recovered 59% of their waste in 2013, compared to 39% in 2000.



A third of waste produced by sites we regulate is sent to landfill; the lowest proportion on record.



Data from Defra National Statistics

For local authority managed waste:

- the household waste recycling rate reached 44% in England in 2012/13<sup>3</sup>
- landfilled waste decreased by more than 60% in the last 10 years (from 20.9 million tonnes in 2003/4 to 7.9 million tonnes in 2013/14), while the amount incinerated with energy recovery

<sup>2</sup> Waste management for England 2013 <https://www.gov.uk/government/statistics/waste-management-for-england-2013>.

<sup>3</sup> Defra Government Statistical Service; UK statistics on waste 2010 to 2012.

more than doubled over the same time (2.6 million tonnes in 2003/4 to 6.2 million tonnes in 2013/14)<sup>4</sup>

- the amount of household waste recycled, composted and reused has increased: nearly 3.5 times as much in 2010/11 (9.7 million tonnes) as in 2000 (2.8 million tonnes)<sup>5</sup>
- about 40% of waste collected for recycling, compost and reuse in 2012/13 was green waste for compost (3.9 million tonnes of 9.8 million tonnes)<sup>6</sup>

More waste is being used as a resource. Where possible, we produce a quality protocol for each examined waste material, which clearly explains what has to be done to produce a fully-recovered, non-waste, quality product. As a result over 20 million tonnes of 'waste' has been diverted from landfill since 2012/13, representing a saving of about £275 million to businesses (eg by avoiding landfill costs, and by enabling business to sell the materials involved).

More refuse derived fuel (RDF) is being produced, and more sites are managing it:

- the number of permitted sites storing RDF increased from 74 in 2011 to 156 in 2013
- 30% of RDF sites stockpiled waste between 2010 and 2013
- fires, flies and odour issues continue to be a problem at some sites storing and managing RDF

## Environmental consequences

### Pollution incidents

In 2013, 53% of serious pollution incidents (365 of 688) were from activities we do not regulate.

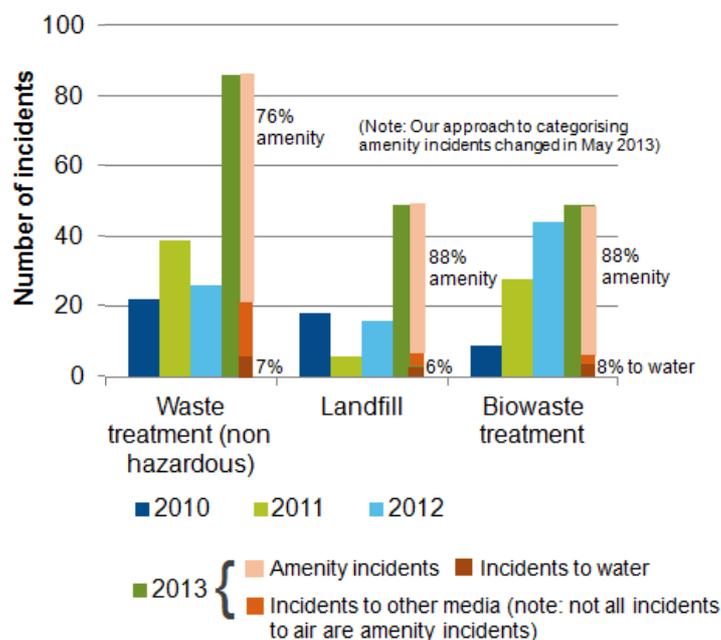
There were 204 serious<sup>7</sup> pollution incidents in 2013 caused by waste industry activities that we do regulate; an increase of 70% since 2012 (120 incidents), and almost three times the number in 2010 (69 incidents).

This was 63% of the total number of incidents caused by all the activities we regulate.

Factors contributing to pollution incidents at waste sites are:

- poor management, including ignoring regulatory advice or enforcement
- excessive waste or poor storage arrangements

**Serious pollution incidents: top 3 waste sectors in England**



<sup>4</sup> Local authority collected waste generation April 2000 to March 2014, <https://www.gov.uk/government/statistical-data-sets/env18-local-authority-collected-waste-annual-results-tables> Table 2a.

<sup>5</sup> Defra National Statistics; Statistics on waste managed by local authorities in England in 2012/2013. Local authority collected waste generation April 2000 to March 2014, <https://www.gov.uk/government/statistical-data-sets/env18-local-authority-collected-waste-annual-results-tables> Table 3b.

<sup>6</sup> Defra National Statistics; Statistics on waste managed by local authorities in England in 2012/2013.

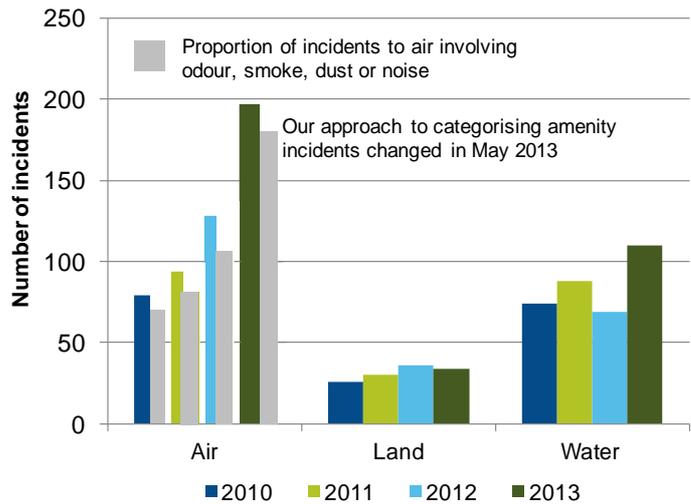
<sup>7</sup> 'Serious' incidents refer to category 1 and 2 (serious and significant) pollution incidents.

Most of the serious pollution incidents affecting air are related to amenity<sup>8</sup> issues (odour, smoke, dust and noise).

In 2013, 166 serious incidents caused by the waste industry were amenity incidents to air. This was 81% of all incidents caused by the regulated waste industry (166 of 204 incidents), and 91% of all the amenity incidents (166 of 182 incidents).

Most of the amenity incidents (131 of 182 incidents in 2013, 72%) are odour-related.

### Serious pollution incidents to air, land and water caused by the activities we regulate (all sectors) in England



Waste fires currently have a high profile following several incidents in 2014 that involved large volumes of waste and fires that have burned for prolonged periods. The total number of waste fire incidents has remained broadly similar over the last 10 years. The number of serious pollution incidents caused by fires on waste sites we regulate was 11 in 2012 and 16 in 2013.

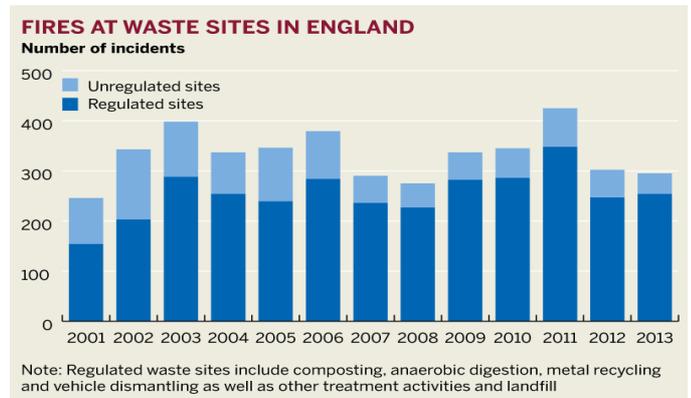


Chart compiled by ENDS using Environment Agency category 1 to 4 pollution incident data

### Releases to air

The landfill sector accounts for 79% of methane emissions from all sites we regulate. The sector’s methane emissions decreased by 14% between 2012 and 2013 and by 54% since 2002.

### Sites of high public interest

Of the 96 permitted sites that we have designated as ‘sites of high public interest’ (sites that generate complaints or concerns in local communities), 81% are in the waste industry:

- 40 were in the waste treatment sector
- 17 were in the landfill sector
- 13 were in the biowaste treatment sector
- 8 were in the incineration and energy recovery sector

<sup>8</sup> In 2013 we changed our policy on classifying incidents so that more amenity incidents are classified as category 2 rather than category 3 compared to previous years.

## Illegal waste sites

Sites are illegal if they don't have a permit or don't meet other legal requirements.

We stopped illegal waste activity at 732 sites in the financial year 2013 to 2014. The activities being carried out without the appropriate permissions included:

- storing waste – 26% of sites
- disposal activities (eg burning, spreading or landfilling) – 30% of sites
- treating waste (eg composting or recycling activities) – 44% of sites

Dust, odour, vehicle movements (which are covered by planning requirements) and smoke can have a detrimental effect on a community.

Around 41% of active illegal waste sites are less than 50 metres from sensitive receptors such as housing, schools, hospitals, areas of outstanding natural beauty and sites of special scientific interest.

The top 3 types of waste found at illegal sites were household and commercial waste, construction and demolition waste and end-of-life vehicles.

Around 55% of sites where we stopped illegal activity were dealing with tyres, construction and demolition waste, end-of-life vehicles and scrap metal. We targeted these priority waste streams as part of the waste crime task force work.

In the financial year 2013 to 2014, we dealt with 137 large, serious and organised illegal dumping of waste incidents, the majority of which involved household and commercial waste.

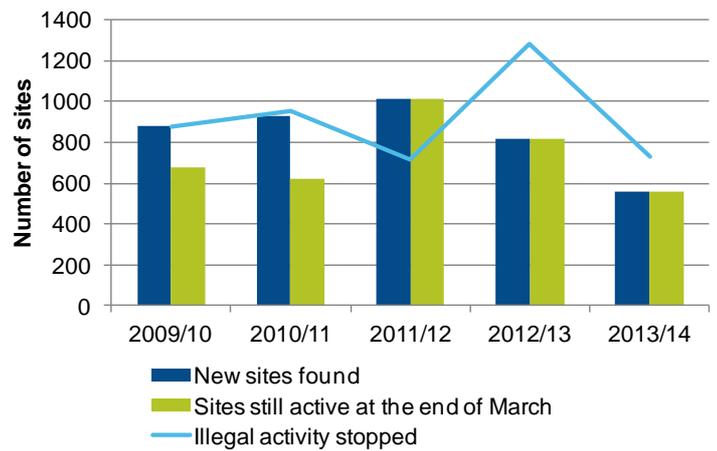
## Other consequences

Waste crime diverts up to £1 billion from legitimate business and HM Treasury each year. We have spent around £16.5 million stopping waste crime, with an estimated return of £92.5 million.<sup>9</sup>

The Environmental Services Association Education Trust estimates nearly £160 million per year is lost due to waste operators incorrectly describing their waste in order to pay the lower rate of landfill tax.<sup>10</sup>

We estimate that approximately 11,500 shipping containers are illegally exported each year, either with a household or electrical waste cargo. This amounts to around 200,000 tonnes of waste which bypasses the regulated UK waste industry each year with potential revenue income of £15 million.

Illegal waste sites in England, 2009/10 to 2013/14



<sup>9</sup> Estimated from: Environmental Services Association Education Trust. Waste Crime: Tackling Britain's Dirty Secret.

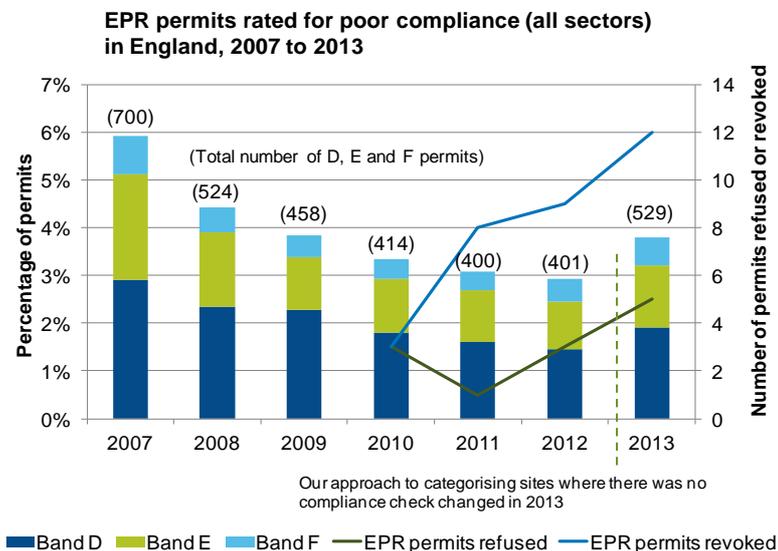
<sup>10</sup> Environmental Services Association Education Trust. Waste Crime: Tackling Britain's Dirty Secret. [http://www.esauk.org/esa\\_reports/ESAET\\_Waste\\_Crime\\_Tackling\\_Britains\\_Dirty\\_Secret\\_LIVE.pdf](http://www.esauk.org/esa_reports/ESAET_Waste_Crime_Tackling_Britains_Dirty_Secret_LIVE.pdf)

## Environmental performance of the waste industry

96% of waste industry permits (waste treatment, biowaste, landfill and incineration and energy recovery sectors) were in bands A, B or C for environmental permit compliance, whilst 4% have poorer compliance with permit conditions<sup>11</sup> (D, E, or F band). Of all D, E or F sites, 92% were in the waste industry.

The proportion of permits rated D, E, or F within each of the waste sectors was:

- biowaste: 6% (61 of 989 permits)
- landfill: 5% (95 of 2017 permits)
- waste treatment: 4% (321 of 8079 permits)
- incineration and energy recovery: 7% (9 of 133 permits)



### Persistent poor performers Permits in compliance bands D, E or F in 2012 and 2013



## Addressing poor performance: enforcement key facts

In recent years there have been fewer prosecutions and more civil sanctions and enforcement notices issued to businesses. We prosecuted 77 separate businesses for environmental offences in 2013. This is 13% fewer than in 2012 (89 businesses), and 72% fewer than in 2007 (278 businesses).

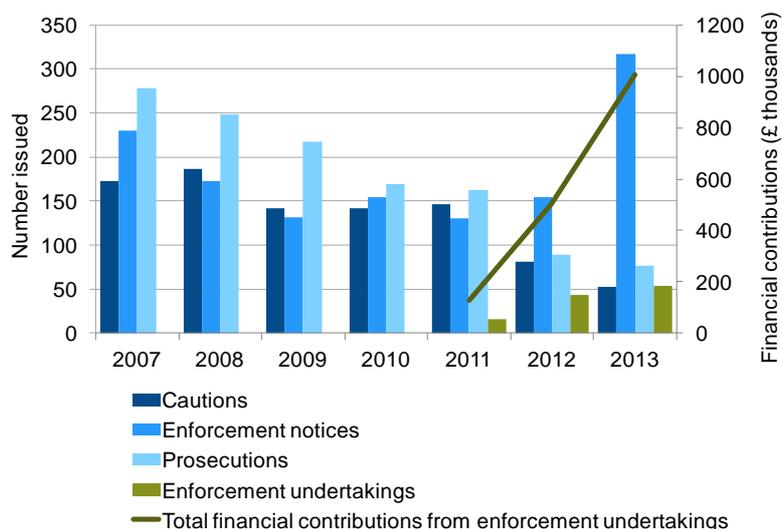
Fines imposed as a result of our prosecution of businesses involved in waste activities totalled £589,000 in 2013. This represented 37% of total prosecutions in 2013.

We issued 187 enforcement notices to businesses involved in waste activities in 2013 (compared to 110 in 2012). This was 59% of all enforcement notices issued in 2013 (317 notices in total).

Businesses in the non-hazardous waste treatment sector received one-third of all enforcement notices issued in 2013 (108 of 317 notices).

64% of businesses receiving more than one caution or enforcement notice were involved in waste activities.

### Enforcement actions used (all sectors) in England, 2007 to 2013



<sup>11</sup> Our approach to categorising sites where there was no compliance check changed in 2013. We are assessing the impact of this change.

In 2013 we issued 4 stop notices (the first year we have used these). These were used to stop dumping, or incorrect treatment or disposal of waste.

During 2013 we accepted 54 enforcement undertakings from businesses. Most enforcement undertakings (47 of 54) were related to packaging waste offences, resulting in contributions of £970,000 to environmental charities, organisations or projects.

We revoke permits for multiple reasons including poor compliance, administrative changes (eg a company holding a permit dissolves) and legislative changes.

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