

Waste Management Plans

(What the Regulations say)

Many companies are now keen to demonstrate concern for the environment and are now seeking a way to implementing their corporate social responsibility by an Environmental Policy. Further legislation is being placed on the statute for April 2008 concern Waste Management Plans.

Appointment of principal contractor – client is responsible

A client who intends to use one or more contractors for any project to which these Regulations apply must appoint a contractor as the principal contractor.

If a client does not use a contractor, all obligations placed on the principal contractor under these Regulations must be carried out by the client.

Preparation of a site waste management plan

All Projects with an estimated cost greater than **£300,000** excluding VAT must prepare a site waste management plan conforming to these Regulations before construction work begins.

Value is the accepted tender or, the cost of labour, plant and materials, overheads and profit.

If such project is started without a site waste management plan, the client and the principal contractor are both guilty of an offence.

Requirements for a site waste management plan

- 1) A site waste management plan must identify:
 - a) the client;
 - b) the principal contractor; and
 - c) the person who drafted it.
- 2) It must describe the construction work proposed, including:
 - a) the location of the site; and
 - b) the estimated cost of the project.
- 3) A description of the scope of works, its design, construction method or materials employed in order to minimise the quantity of waste produced on site.
- 4)
 - a) describe each waste type expected to be produced in the course of the project;
 - b) estimate the quantity of each different waste type expected to be produced; and
 - c) identify the waste management action proposed for each different waste type, including re-using, recycling, recovery and disposal.

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- 5) It must contain a declaration that the client and the principal contractor will take all reasonable steps to ensure that waste is handled in accordance with the waste duty of care in section 34 of the Environmental Protection Act 1990 and the Environmental Protection (Duty of Care) Regulations 1991; and that materials will be handled efficiently and waste managed appropriately.

Updating a site waste management plan for a project of £500,000 or less

For projects less than an estimated cost of £500,000, the following records must be kept in the site waste management plan:

- a) the identity of the person or company removing the waste;
- b) the types of waste removed; and
- c) the site that the waste is being taken to.

At the end of the work within three months of the work being completed the principal contractor must add to the plan, a statement of confirmation that the plan has been monitored on a regular basis to ensure that work is progressing according to the plan and that the plan was updated in accordance with this regulation; and an explanation of any deviation from the plan.

Updating a site waste management plan for a project worth more than £500,000

If the project has an estimated cost greater than £500,000 the principal contractor must update the site waste management plan in accordance with this regulation.

When any waste is removed **the principal contractor** must record on the plan as above for under £500,000 and in addition the principal contractor must record:

- 1) the waste carrier's **registration number**;
- 2) the **written description of the waste** required by section 34 of the Environmental Protection Act 1990;
- 3) the site that the waste is being taken to; and
- 4) whether the operator of that site holds a **permit** under the Environmental Permitting (England and Wales) Regulations 2007 or is registered under those Regulations as a waste operation exempt from the need for such a permit.

The **principal contractor** must also:

- a) **review the plan**; in any event not less than every six months or as often as necessary;
- b) **record the types and quantities** of waste produced;
- c) record the types and quantities of waste
 - (i) **re-used** (and whether this was on or off site);
 - (ii) **recycled** (and whether this was on or off site);
 - (iii) **sent for another form of recovery** (and whether this was on or off site);

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- (iv) **sent to landfill**; or
 - (v) otherwise disposed of.
- d) Update the plan to reflect the progress of the project.

At the end of the work being completed the principal contractor must add to the plan:

- a) confirmation that the plan has been monitored on a regular basis to ensure that work is progressing according to the plan and that the plan was updated in accordance with this regulation;
- b) a comparison of the estimated quantities of each waste type against the actual quantities of each waste type;
- c) an explanation of any deviation from the plan; and
- d) an estimate of the cost savings that have been achieved by completing and implementing the plan.

Failure to comply with this regulation is an offence.

Availability of the plan

The principal contractor must ensure that the site waste management plan is kept at the site office, or if there is no site office, at another location on the site and know where it is kept, and must make it available to others.

Storage of plans

The principal contractor must keep the site waste management plan for two years after the completion of the project at the principal contractor's principal place of business or at the site of the project.

Failure to comply with these regulations is an offence.

Additional Duties

Penalties

A fine not exceeding £50,000; may be made to any person who may have contrived or consented to negligence.

EBSG Services in these areas now include:

The development of your Environmental Management Policy.
On site inspection monitoring of your environmental performance.