

AGENDA ITEM No. 15.6**NORTH LANARKSHIRE COUNCIL
REPORT**

<p>To: ENVIRONMENTAL SERVICES COMMITTEE</p> <hr/> <p>From: DIRECTOR OF ENVIRONMENTAL SERVICES</p> <hr/> <p>Date: 18 August 1998 Ref: WB/SP</p>	<p>Subject: CONSULTATION PAPER: Proposed Amendments to the Special Waste Regulations 1996 and the Waste Management Licensing Regulations 1994.</p>
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PROPOSED DECISION :

To agree to the recommendation contained in the report.

BACKGROUND :

The Government propose amendments to the Special Waste Regulations 1996 (as amended) in response to representations from business and operational experiences of the Environmental Agencies.

Similarly, they propose to amend the Waste Management Licensing Regulations 1994 (as amended) insofar as they relate to recovery/recycling activities involving special waste.

REPORT :

The Council has been invited to make comments on the proposed amendments to the two pieces of legislation. As none of the proposed changes directly affect the Council's activities at this time, or in the foreseeable future, our response should signify that we have no comments to make regarding these particular proposals. However, following recent local experiences involving the deposition of Polychlorinated Biphenyls (PCB's) at a local landfill site, the Department is of the opinion that some comment should be made about the classification of PCB's as a special waste.

In an attempt to seek clarification as to whether or not PCB's were legally classified as "Special Waste" in terms of the Special Waste Regulations 1996 (as amended), various Bodies were contacted for their professional opinions, including the Scottish Environment Protection Agency (S.E.P.A.), and various pieces of literature were read.

This research merely served to illustrate the diversity of opinion as to the status of PCB's as being "Special Waste" or not. In view of this diversity of opinion, the Department would suggest that the Scottish Office Agriculture, Environment and Fisheries Department be invited to further amend the Special Waste Regulations 1996 (as amended) to ensure uniformity of handling and disposal of PCB's by specifying an unambiguous definition, with or without reference to Threshold Limits, as to their status as "Special Waste".

RECOMMENDATIONS

The Committee is asked to agree to the content of the Report and to homologate the action taken in submitting these comments to the Scottish Office as representing the Council's views.

M'Kenzie G. Hutton/

Department of Administration

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Our Ref: CA/ES/31/2 LD/MR Contact: Lesley Deverick
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*Director of Administration
John O'Hagan*

Mr M Cormack
Scottish Office
Agriculture Environment and Fisheries Department
Environment Protection Unit
Waste Team
Area 1J(N)
Victoria Quay
EDINBURGH EH6 6QQ
Dear Sir,

Proposed Amendments to the Special Waste Regulations 1996 and the Waste Management Licensing Regulations 1994

I refer to your letter dated 2 April 1998 and to the enclosed Consultation Paper regarding the above.

I have to advise you that a report by this Council's Director of Environmental Services on the consultation will be considered at the next meeting of the Environmental Services Committee which is scheduled to take place on 25 August 1998.

In the interim and in order to meet the stipulated deadline for response to the consultation, the comments by the Director of Environmental Services are set out as follows:-

None of the proposed changes directly affect the Council's activities at this time or in the foreseeable future. However, in light of recent incidents involving the deposition of Polychlorinated Biphenyls (PCBs) at a local landfill site, it is considered that the public would be better served if PCBs were subjected to more stringent regulation.

In an attempt to seek clarification as to whether PCBs are classified as "Special Waste" in terms of the Special Waste Regulations 1996 (as amended), consultations have been undertaken by this Council with various professional bodies, including the Scottish Environment Protection Agency. The consultation process illustrated that there is diversity of opinion as to whether PCBs should be treated as "Special Waste". Accordingly, perhaps the Scottish Office should give consideration to the feasibility of further amending the Special Waste Regulations 1996 (as amended) to ensure uniformity of handling and disposal of PCBs by specifying an unambiguous definition, either with or without reference to threshold limits, as to their status as "Special Waste".

Should there be any amendments or additions made by the Environmental Services Committee, I shall of course advise you further.

Yours sincerely



Director of Administration

c.c. Chief Executive
Director of Environmental Services