

European Commission, Brussels



**ORGANISATION OF AWARENESS-RAISING EVENTS CONCERNING THE
APPLICATION AND ENFORCEMENT OF COMMUNITY LEGISLATION ON
SHIPMENTS OF WASTE AND ON LANDFILLS**

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REPORT EXTRACT

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1 Outcome of information exchange and awareness raising events

1.1 Workshop on landfill of waste in the UK

UK, London	26 / 27 June 2008	National Cooperation partner: DEFRA Venue: Premises of DEFRA, London Participants: 25 Agenda: 13 presentations (including EC and BiPRO)
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Table 1-1: Overview on workshop on landfill of waste in the UK

The information exchange and awareness raising event on landfill of waste in the UK took place on 26 and 27 June in London. The event was organised with support of DEFRA (Department for Environment, Food and Rural Affairs). The workshop was scheduled as a two day event, for the second day, an excursion to the Sutton Courtenay Landfill in Oxfordshire was organised.

The 25 national participants comprised representatives of the Environment Agency, the Environmental Agency of Northern Ireland, Regional Government Offices, other interested authorities as well as industrial associations, and private waste management companies (see Annex I participation list).

In total, 13 presentations were given.

1.1.1 Summary of presentations given in the UK

Besides the presentations from BiPRO and DG ENV, the following presentations were given during the workshop in London:

(1) State of implementation of the Landfill Directive (DEFRA)

The presentation addressed the steps taken to implement Directive 1999/31/EC in the UK. Several Waste Strategies have recently been released (England 2007, Northern Ireland 2006) or are currently under revision (Wales, Scotland). The Waste Strategies set out the aim to decouple waste growth from economic growth, to meet and even exceed the Landfill Directive targets for biodegradable MSW and to secure investment in waste infrastructure. Some of the strategic targets were presented as well as elements of intervention and incentives.

(2) Delivering the Landfill Directive - the achievements, the challenges and the future (Environment Agency)

The legal and technical background of the implementation of the Landfill Directive in the UK and linked policy was presented. Some relevant figures were presented as well as major achievements and future challenges. The presentation sought to show that implementation and understanding of the Landfill Directive was well advanced in the UK.

(3) The application of risk assessment in accordance with the landfill directive (MJCA)

The presentation focused on the question of the consistency of the risk related provisions in the Landfill Directive and Waste Acceptance Criteria with regard to the variety of environmental sensitivity of landfill sites and questioned the suitability of the WAC approach.

(4) The South East of England: Comments from a Regional Body (South East Improvement & Efficiency Partnership)

In the presentation, regional waste management efforts were presented from the South East of England. The national funding program RIEP aims at improving local government efficiency and improvement, among others also in the field of waste collection commodities. The National RIEP has released a waste business plan. Within this framework, the waste management planning of the Region was presented, particularly focusing on the procurement procedure of an integrated Waste Management Services Contract procedure.

(5) East Midlands Case Study (Government Office for the East Midlands)

Within this speech, local waste management targets in the East Midlands Region were addressed. On the basis of an assessment of the 2006/2007 data, targeted campaigns for different Local Authorities were elaborated and individual benchmarks were set.

(6) Quarry Restoration, Disposal or Recovery (Lafarge Aggregates Limited)

The presentation introduced the technique of quarry restoration and raised the question whether it should be seen as a disposal or a recovery operation. There is an obligation to refill quarries in order to obtain permission for aggregate extraction. Since the soil is reused and it is deemed a sustainable operation, the industry in the UK believes that quarry restoration should be considered as recovery and hence not subject to the requirements of the Landfill Directive. The UK Government position is that quarry restoration with waste constitutes a landfill.

Site visit to the Sutton Courtenay Landfill

The Sutton Courtenay Landfill receives an amount of about 500,000 tonnes of waste per year, serving Oxfordshire, West London and other regions (each with long term contracts). Municipal waste is received at the landfill as well as green waste which is used for composting. Additionally, fly ash and bottom ash from a neighbouring power plant is landfilled. The landfill has a composting unit, secondary aggregate production, IVC and MRF. Gas treatment and a leachate treatment are in place including monitoring systems. Currently the site produces about 10.8 MWh of green electricity in waste to energy power turbines on site. Further recovery centres (EFW, ash recycling, re-processing and manufacturing of recyclables and HWRC) and educational facilities are planned. The landfill is frequently inspected by the Environment Agency.

1.1.2 *Legal background and national enforcement structure in the UK*

The provisions of the Landfill Directive were transposed in the UK by

- Landfill Regulations (England and Wales) 2002 and the Environmental Permitting (England and Wales) Regulations 2007 (the latter setting out standards and requirements for permitting) in England and Wales);
- Landfill (Scotland) Regulations 2003 as amended 2003 and Landfill Directions 2002/2005 in Scotland;
- Landfill Regulations 2003 (Northern Ireland) in Northern Ireland.

In England and Wales several landfill related elements were introduced into legislation as follows:

- Ban on co-disposal – July 2004;
- Ban on liquid wastes (hazardous) – July 2002; (non-hazardous) – October 2007;
- Pre-treatment requirements (hazardous July 2004, non-hazardous October 2007);
- Waste Acceptance Criteria– July 2005;
- Ban on tyres – July 2006.

These measures have also been duplicated in Scotland and Northern Ireland.

Background information on the enforcement infrastructure

England and Wales:

The Environment Agency's approach to compliance and enforcement recognises that the operator is responsible for ensuring that they comply with the permit and legislative requirements. The Environment Agency is responsible for assessing compliance with those requirements.

The Environment Agency views compliance assessment as incorporating a number of activities:

- auditing
In-depth evaluation of an operator's ability to comply with all, or parts of, the permit, or directly applied legislation. For example, an audit might include specific reviews of the effectiveness of an operator's procedures and management system.
- inspecting sites
Attendance at a site to check compliance with all or some of the permit conditions, or directly applied legislation (other than by check monitoring) using for example visual assessment.
- reviewing data and reports
permits require operators analyse the data that they collect and to report data, non-

compliances and trends to the Environment Agency for recording.

- check monitoring
i.e. sampling or monitoring inputs, emissions or the receiving environment, normally to qualify operators data
- reviewing procedures
An operator may be required to submit procedures to the Environment Agency for agreement prior to implementation.

Compliance assessment of landfills is conducted by the Environment Agency's environment officers and technical specialists who are located in locally based area teams. There are over 150 officers involved in this compliance assessment work. They are directed on the content of their compliance assessment work through 'Service Levels'. As at all sites regulated through the Environmental Permitting Regulations, the aim is for a 5% year on year improvement in operator performance (as measured by Operator Performance Appraisal Scheme). The focus of effort is on the following:

- Waste acceptance procedures are being followed
- Improvement conditions are assessed for compliance and improvement programme timetables are met.
- Hydro-geological risk assessments are reviewed in accordance with the 4 year timescale required in the permit
- Appropriate landfill engineering designs and construction quality assurance plans are assessed, approved and followed by landfill operators.
- Emissions of landfill gas, leachate, odour and particulates are minimised
- Accurate data on the type and quantity of emissions from landfill sites is obtained

The permits contain conditions that set emission limits and require the use of appropriate techniques to control emissions and to take mitigating action. The operator is responsible for the production of their own management system and procedures. The Environment Agency has produced the Landfill Sector Guidance Note to indicate or recommend measures that an operator could use as part of their operational procedures. This guidance note also signposts a number of industry, government and Environment Agency guidance documents that give advice on regulatory and technical matters. The Environment Agency also facilitates a number of industry liaison groups to aid the implementation of landfill standards in a practical and consistent manner.

Breaches of permit conditions are recorded and assessed using the Environment Agency's compliance methodology. The breach is classified using a score on 1 (severe) to 4 (minor), based on the potential for harm to the environment.

An analysis of the Environment Agency's data on permit breaches is shown in the following figure. It shows the reasons allocated for permit breaches that could potentially cause significant pollution or harm. They were recorded between January and December 2007, and

total 310 in numbers. The Environment Agency uses this type of summary information to help target its compliance effort.

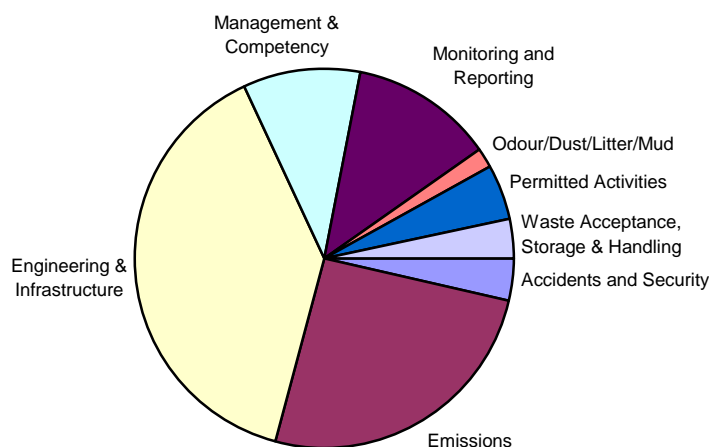


Table 1-2: Reason for significant permit breaches at landfill sites

Each landfill site is targeted to be inspected a minimum of once per year. The actual number of visits to individual sites increases above this baseline where needed to enforce compliance, on the basis of poor operator performance, the enforcement history, other intelligence information or complaints. Other compliance assessment activities than inspections and audits (e.g. assessment of operator returns) will be carried out as appropriate to the permit and defined in the sector and site compliance assessment plans.

The Environment Agency has examined some data from one area in the North East region, which should illustrate the scale of the compliance effort. The area has 36 Environmental Permitting Regulations permitted landfill sites. There were 166 compliance events recorded in a year, which equates to 4.6 events per year. About 85% of the events were site inspections.

Scotland

The Scottish Environment Protection Agency (SEPA) employs approximately 160 Environment Protection Officers who regulate and enforce all environmental legislation. Many of these officers are involved in landfill regulation, although it is not possible to give an accurate figure on how much of their time is spent dealing with landfills. SEPA also employs a team of waste specialists to advise the Environment Protection Officers; within this team three staff work full time on landfill related issues.

Northern Ireland

The Northern Ireland Environment Agency (NIEA) has enforcement responsibilities in respect of EU Directives in relation to landfill sites operating and closed. This responsibility is currently delivered by the Land and Resource Management (LRM) Unit within the Environmental Protection Directorate of the NIEA. Within the LRM unit there are two teams which carry out this task; the PPC and Licensing team and the Environmental Crime Unit.

The PPC and Licensing team currently regulate operating and closed landfill sites. The team currently consists of 13 officers of various levels. The officers carry out site inspections at the various sites, the number of site visits are calculated on a risk based approach depending on the size of the facility, type of facility, and the level of compliance with the permit/ license conditions. However NIEA may carry out additional site visits in response to Complaints or on an advisory role with regard to improvements to the operation/ restoration of the site. LRM are supported by a very active environmental crime team who deal effectively and efficiently with illegal activity using POCA/financial confiscation as a deterrent as appropriate.

As a part of the UK Government's waste strategies to enhance recycling and re-use of waste, *WRAP (Waste & Resource Action Programme)*, a non profit organization, was created in 2000 as a delivery body. WRAP is funded by Defra as well as the Welsh, Scottish and Northern Ireland Governments. WRAP' goal is to ensure that the UK reduces waste, and recycles as much as possible, at minimum net cost. This will enable the UK to increase resource efficiency, reduce landfill and lessen our contribution to climate change, while generating positive economic impacts. It also provides advisory services to local authorities and helps to influence public behaviour through communication programs. WRAP has recently published its fourth Business Plan, which outlines three main targets:

- to deliver diversion from landfill of 8 million tonnes of materials from the municipal, industrial and commercial waste streams;
- to deliver savings in carbon emissions of 5 million tones of CO2 equivalent; and
- to deliver around £1.1bn of positive economic impacts for business, local authorities and consumers, through £850 m of cost savings and £280 m of increased turnover on the recycling and related industries.

Waste management targets in the UK

In *England* residual recycling and composting shall achieve at least 40% by 2010, 45% by 2015, and 50% by 2020. Recovery (including energy) of MSW shall be increased to 53%, 67%, 75% in the framework of the renewable energy strategy. Also commercial and industrial waste landfill shall fall by 20% by 2010. The *East Midlands Region* is to recycle or compost (25% of household waste by 2005, 30% by 2010, 33% by 2015). A greater focus on waste prevention will be recognised through a new target to reduce the amount of household waste not re-used, recycled or composted to 12.2m tonnes by 2020, (a 45% reduction on 2000 levels).

Somewhat lower targets are to be achieved in Northern Ireland: (recycling/composting at least 35% (2010), 40% (2015) and 45% (2020).

In *Scotland* the recycling and composting target for municipal waste is a minimum of 50 % by 2013, a minimum of 60 % by 2020, and a minimum of 70 % by 2025. The amount of municipal waste that is landfilled shall be reduced to a maximum of 5 % by 2025. Energy from waste is to account for the remainder (up to 25% of municipal waste).

Tax issues and incentives

A Landfill Tax was first introduced in 1996. The Landfill Tax aims to encourage waste producers to produce less waste, recover more value from waste, for example through recycling or composting, and to use more environmentally friendly methods of waste disposal. The tax applies to active and inactive waste, disposed of at a licensed landfill site. The current rate is £32 for active waste but an escalating approach (£8 per tonne per year) will increase this amount to £48 in 2010/11. It has not been observed that the Landfill Tax has led to an increasing in fly tipping. A waste tax is included in the local tax.

Other incentives are set out within the “Energy from waste – Renewable Obligations Certificates” Program, and, particularly, through the Landfill Allowance Trading Scheme (LATS) launched on 1 April 2005. It is a tool to enable waste disposal authorities and England to meet the targets for the reduction of biodegradable municipal waste sent to landfill in a flexible and cost effective way.

This trading scheme allocates tradable landfill allowances to each authority in England. Landfill allowances have been allocated to the authorities at a level that will allow England to meet its contribution to the UK targets under the Landfill Directive. Within each scheme year (1 April – 31 March), authorities are able to landfill biodegradable municipal waste up to the level of allowances held. A single landfill allowance permits an authority to landfill one tonne of biodegradable municipal waste. Authorities will need to ensure that they hold sufficient allowances to cover the actual amount of biodegradable municipal waste they intend to landfill over a given period. Should an authority not need or expect not to need all of its allowances in one or more scheme years, because of actual or planned diversion of waste away from landfill, the authority is able to sell them, or bank (save) them into the following year (subject to certain restrictions). Equally, an authority which does not hold enough allowances to cover the amount of biodegradable municipal waste it intends to landfill will need to either increase its rate of diversion, purchase additional allowances or borrow forward up to 5% of its following year's allocation. Local authorities do not have to trade allowances provided they do not exceed their limit on the amount of biodegradable municipal waste they may send to landfill. Authorities can choose to meet their targets through diversion alone. Similarly, authorities may wish to co-operate to meet their targets. For example, two authorities could pool their allowances in order to invest in a shared waste management facility, but each individual authority would remain responsible for ensuring that its own targets were met.

Unlimited banking is allowed between target years but allowances cannot be banked in a target year or the year preceding a target year.

Authorities are able to borrow up to 5% of the next year's allowance, although allowances cannot be borrowed into the target year or the year preceding a target year as this may cause England as a whole to breach its target. Trading and Borrowing must be recorded on the web-based allowance Register that is being developed by Defra. The Environment Agency, the monitoring authority for England, will use the mass balance process to monitor the amount of BMW sent to landfill in any year by each waste disposal authority. Waste

disposal authorities will be required to provide quarterly returns to the Environment Agency within three months at the end of each quarter via WasteDataFlow. A fixed penalty of £150/tonne will be incurred if a WDA breaches its landfill allowances target in the scheme year. Similar trading schemes have also come into force in Scotland and Wales, although the scheme in Wales does not feature trading. The Scottish scheme is currently under review.

However, meeting the longer term targets is still estimated to be challenging for the UK; the prevention of waste was seen to be a key issue in future.

Enforcement of measures against illegal dumping and littering

Fly-tipping is the illegal deposit of waste. It can vary in scale significantly from a bin bag of rubbish to large quantities of waste dumped from trucks. Fly-tipped waste may be found anywhere, such as roadsides, in lay-bys or on private land. Fly-tipping is a problem because:

- It poses a threat to humans and wildlife, damages our environment, and spoils our enjoyment of our towns and countryside.
- It undermines legitimate waste businesses where illegal operators undercut those operating within the law. At the same time, the reputation of legal operators is undermined by rogue traders.
- Areas subject to repeated fly-tipping may suffer declining property prices and local businesses may suffer as people stay away.

The Environment Agency is responsible for investigating and taking enforcement action against large scale illegal waste dumping, or “Big, Bad and Nasty” (i.e. fly-tipping incidents greater than a 20 tonnes tipper truck of waste, including the involvement in organised crime or with drummed hazardous waste). Small scale fly-tipping incidents and littering are in the responsibility of local authorities. A Fly-tipping Protocol commenced in April 2005.

The Business Resource Efficiency and Waste Programme (BREW) is a three-year programme using funds generated by the increases in landfill tax receipts to help businesses become more resource efficient. Under the 3 year BREW programme the Environment Agency has run 9 successful waste crime campaigns.

The maximum fine in a Magistrates Court is £50,000 and unlimited in Crown Court. It can also attract up to 5 years in prison if convicted.

The Environment Agency is currently building capacity internally within their National Enforcement Service so that they will also have a new national environmental crime team that will specifically support Areas to better tackle the complex “Big, Bad and Nasty” offences, and bring in-house the expertise and capability to use POCA to its full potential.

Scotland

In Scotland, fly-tipping penalties may be used against anyone who dumps waste without a licence from SEPA. Any so-called landfills not permitted in accordance with the Landfill

Directive could be proceeded against under these provisions. However, a variety of licence-related offences are also possible. In Scotland, all decisions about whether to prosecute are made by the independent public prosecutor, the procurator fiscal.

Statutory penalties for fly-tipping and littering are in place as follows:

- Fixed Penalty Fines of £50 can be issued by local authority enforcement officers, and police officers and SEPA officials for lesser fly-tipping offences, as alternatives to the case being referred to court. Similar fines can be levied for littering by local authority officers and police officers.
- If a littering case reaches court, an offender can be fined a maximum of £2500.
- If a fly-tipping case reaches court, summary proceedings – without a jury – can lead to a fine of up to £40,000 or 6 months in prison, or both.
- On indictment – with a jury - there is no limit on the amount of fine that could be imposed on a fly-tipping offender. A prison sentence of up to 2 years (5 years in the case of hazardous wastes) could also be imposed either in addition to a fine or as an alternative punishment.

SEPA and the Confederation of Scottish Local Authorities (COSLA) have set out a national minimum standard for investigation and enforcement of fly-tipping incidents. SEPA and the Local Authorities responsibilities can be summarised as follows:

SEPA will:

- Focus its resources on investigating and, where there is sufficient evidence, taking appropriate enforcement action on the fly-tipping of clinical waste, oil, drums of chemicals, fibrous asbestos, hazardous waste (other than sheet asbestos) and waste in quantities greater than one standard skip load (6m³);
- Pursue appropriate enforcement action in line with its policy statement on enforcement;
- Provide advice to local authorities removing fly-tipped material from watercourses;
- Co-operate with local authorities in investigating incidents of fly-tipping, where requested to do so. In particular in circumstances where investigatory powers under section 108 of the Environment Act 1995 are required and there is a realistic chance of successful enforcement action;
- Enter its data on fly-tipping incidents into the Flycapture database on a monthly basis and participate in the Scottish Fly-tipping Forum.

Local Authorities will:

- Lead in investigating and prosecuting those responsible for fly-tipping waste in quantities of less than a standard waste skip (6m³) on public and private land. Removal costs will be recovered from the individual responsible where possible;

- Endeavour to provide data on fly-tipping events in their area into the Flycapture database on a monthly basis;
- Cooperate with SEPA in investigating incidents of fly-tipping, when requested to do so;
- Ensure that the opening hours of civic amenity sites and arrangements for collecting bulky waste are well publicised

Northern Ireland

In Northern Ireland, enforcement measures against littering are carried out by local district councils under the Litter (Northern Ireland) Order 1994.

The relevant legislation for enforcement of waste offences by the Department is the Waste and Contaminated Land (Northern Ireland) Order 1997, as amended by the Waste (Amendment) (Northern Ireland) Order 2007. The primary offence is found at Article 4. The commencement dates for offences under this article were:

- Article 4(1)(c) – 1st March 2001; treating, keeping or disposing of controlled waste in a manner likely to cause pollution of the environment or harm to human health.
- Article 4 (1)(a) & (b) – 27th November 2003; treating, keeping or disposing of controlled waste without or not in accordance with a waste management license.

Prior to 27th November 2003, local district councils were responsible for enforcement for Article 4(1)(a) & (b) offences under the Pollution Control and Local Government (Northern Ireland) Order 1978.

NIEA (formerly the Environment and Heritage Service) formed an enforcement team during 2003 of upwards of 30 staff. These staff also had dual licensing duties. In November 2005 the team was restructured with the formation of a dedicated enforcement section, Environmental Crime Section, numbering approximately 20 investigators. Investigations are generated by incidents reported by the public and other agencies, and through the conduct of intelligence-led and joint agency operations. In the period 2003 to 2005 the majority of investigation resources were used to target the illegal cross border (Ireland to Northern Ireland) movement and disposal of municipal waste into unauthorized sites in NI. These illegal activities were being conducted by organized and serious criminals.

The section works closely with other agencies, including PSNI, HMRC, DVA, SOCA (formerly ARA) and other environmental agencies in the UK and ROI. The section has now trained 7 investigators as accredited financial investigators under the Proceeds of Crime Act 2002 in order to conduct their own financial investigations and confiscations.

1.1.3 Facts and Figures related to landfilling of waste in the UK

At the end of February 2008 the number of operational landfills in *England and Wales* was as follows:

22	landfills for hazardous waste
225	landfills for non-hazardous waste
46	landfills with cells for stable non reactive hazardous waste
145	landfills for inert waste
438	Sum landfills.

Table 1-3: Total number of landfills in the UK

The following diagram provides an overview on waste management trends and the remaining landfill capacity:

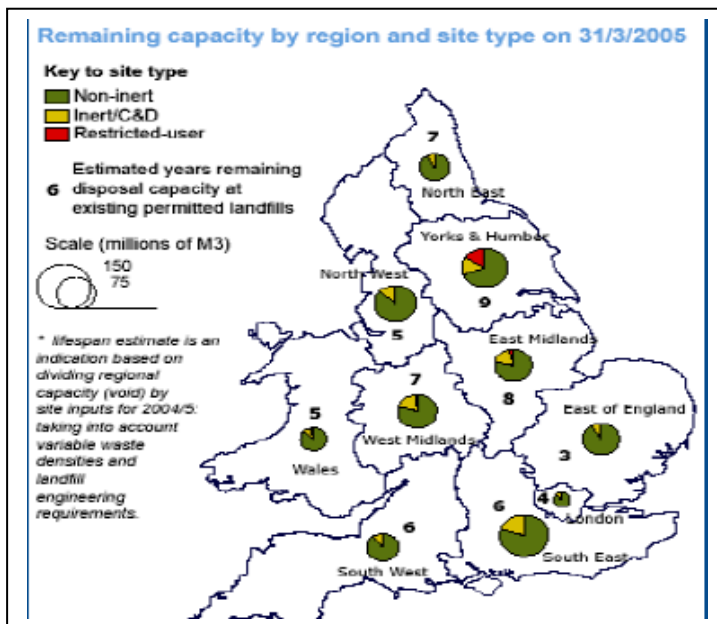


Table 1-4: Remaining capacity by region and site type by 2005

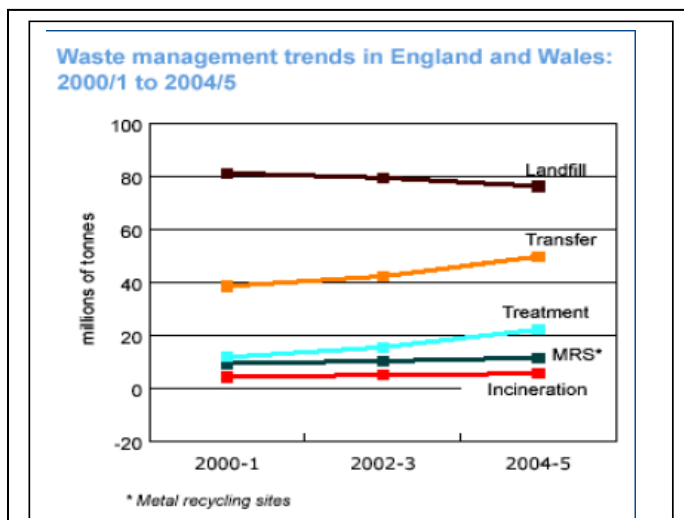


Table 1-5: Waste management trends in England and Waste 200/1 to 2004/5

In *Scotland*, there are currently 1 hazardous landfill, 46 non-hazardous landfills and 16 inert landfills permitted.

In *Northern Ireland*, there are currently 24 operating landfill sites, regulated by the NIEA (formerly the Environment and Heritage Service). These include 2 landfill sites for hazardous waste, 13 for non-Hazardous waste and 9 for inert waste. All of these facilities have been processed through the Pollution Prevention and Control regime to assess compliance with the PPC and Landfill Directive.

Information on the state of closure and recultivation of old landfills and dump sites which are not compliant with 1999/31/EC

Schedule 10 of the Environmental Permitting (England and Wales) Regulations 2007 contains specific provisions relating to closure and aftercare procedures and closure notices which implement the requirements of the Landfill Directive Article 13. The closure requirements apply to all landfills other than those:

- which finally ceased accepting waste for disposal prior to 16 July 2001 and;
- where an operator provided a conditioning plan, but ceased accepting waste for disposal before 15 June 2004 and notified the Environment Agency that he did not propose to apply for a Pollution Prevention and Control (PPC) permit.

The closure requirements apply to all other sites that continued to accept waste for disposal on or after 16 July 2001.

The Environment Agency wrote to all existing landfill site operators early in 2002, advising them that if they wished to continue to operate their landfill after 16 July 2002 they must provide a conditioning plan (CP), or notify the Environment Agency that they planned to close. The Environment Agency received approximately 970 CPs and has issued about 460 landfill permits. Since July 2001, approximately 450 sites have closed in accordance with the Landfill Regulation requirements. Where existing sites close, i.e. cease accepting waste for disposal, before a landfill permit is granted, the existing Environmental Permit remains in force until it is surrendered. This means that the management of the site in the aftercare phase continues to be controlled through the existing Permit.

Where appropriate, the Environment Agency served closure notices on site operators to ensure they ceased accepting waste for disposal by a specified date (i.e. "as soon as possible") and provided closure reports to describe how they planned to manage their sites during the aftercare phase. A total of 1,862 landfill sites have closed either immediately before or after the implementation of the Landfill Directive in the UK.

As regards the situation in *Scotland*, data provided by SEPA show that 44 sites ceased to accept waste between July 2001 (implementation of Directive) and April 2003 (implementation of Landfill (Scotland) Regulations 2003); 9 of these sites still require suitable inert material to complete their restoration. Article 13 of the Directive is implemented through the Landfill (Scotland) Regulations 2003. The mechanism has been similar to that in England and Wales.

In Northern Ireland, NIEA has progressively implemented a landfill closure programme and has ensured that 49 landfill sites which closed after the definitive date and have a Waste Management Licence meet the requirements of the Landfill Directive. NIEA have modified the Waste Management Licences which ensures the implementation of monitoring regimes and the installation of mitigating measures for Leachate and Landfill Gas control. The licenses aim to ensure compliance with the Landfill Directive.

A total of ten landfill sites have also been identified as having closed between July 2001 and January 2004 (when the Landfill Directive was transposed in Northern Ireland). NIEA is taking steps to ensure that each of these landfill sites fully meet the requirements of the Landfill Directive.

Problems with meeting the Landfill Directive targets for biodegradables

The UK with its high share of landfilling and a relatively low share of separation (in both cases in comparison with EU 10 Member States) at source has had significant problems to meet the targets for the content of biodegradable municipal waste. However, these problems are seen as an opportunity for the Landfill Directive implementation to deliver real and significant environment benefits. The UK also took advantage of the four-year extension to target dates allowed by Article 5.2 of the Directive to aid the transition in waste management practice.

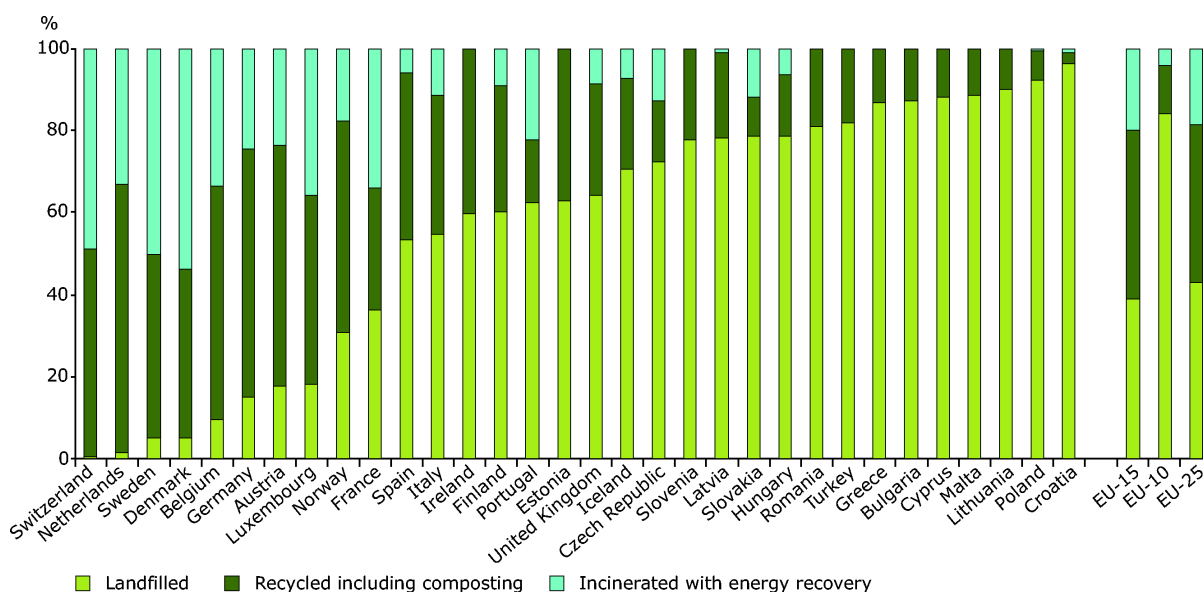


Table 1-6: Share of waste treatment methods, source: EEA 2007

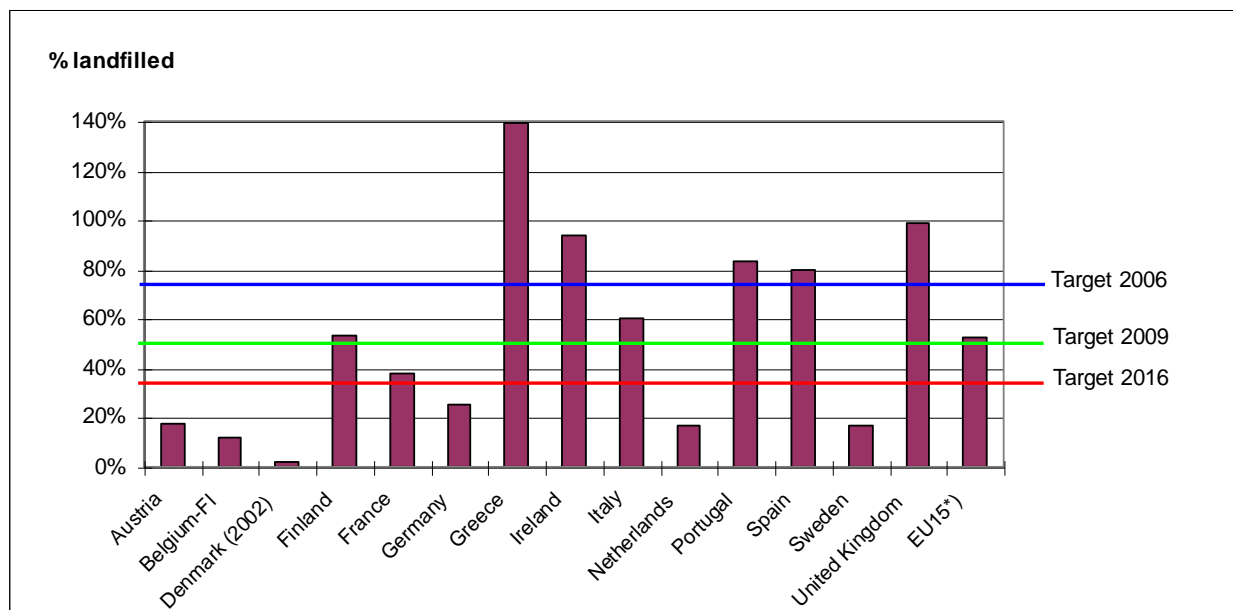


Table 1-7: Percentage of waste treatment methods, source: DG ENV presentation

In the opinion of many observers, the Landfill Directive has led to a change in attitude and has made waste a political issue. This concerns both public awareness and the willingness of political bodies to take the necessary strategic and implementation measures, e.g. investments in waste management infrastructure.

Local waste management in East Midlands Region

In the East Midlands Region the percentage of recycled/composted household waste has been increased constantly during the last years, from 15 % in 2000/2001 to 35 % in 2006/2007. Through a new target the amount of household waste not re-used, recycled or composted shall be reduced from over 22.2 million tonnes in 2000 by 29% to 15.8 million tonnes in 2010 with an aspiration to reduce it to 12.2 million tonnes in 2020 – a reduction of 45%. This is equivalent to a fall of 50% per person (from 450 kg per person in 2000 to 225 kg in 2020).

Illegal dumping and littering

The problem of fly-tipping is getting worse. Data from 2006-2007 showed that:

- There were 1.3 million fly-tipping incidents dealt with by local authorities in England - An increase of about 5% on the year before.
- Fly-tipping costs local authorities in England alone almost £76m a year to clear up
- 77% of fly-tips involved household waste

These figures only include fly-tipping which occurs on public land. There are no data available on fly-tipping on private land, but UK authorities estimate that the problem is at least as significant as on public land.

England and Wales

In England and Wales during 2006-2007 the Environment Agency dealt with over 1,200 illegal waste dumping incidents and took 185 prosecutions forward in relation to illegal waste activities, resulting in over £484,000 in fines. The average fine per prosecution was nearly £3,500. There has been a significant decrease in the total number of illegal dumping incidents the Environment Agency has dealt with since 2004/5. This has fallen from over 4,500 to just over 1,200 at the end of 2006/7. Under the 3 year BREW programme the Environment Agency has run 9 successful waste crime campaigns. Following one campaign focussing on the city of Derby in the Midlands showed there was a 12.5% decrease in fly-tipping in 2006/7 against a national increase of 5%. Using the Proceeds of Crime Act (POCA) the Environment Agency has worked with the Assets Recovery Environment Agency and in their first case which they took in the South West, successfully recovered more than £75,000 from a Devon farmer and a groundwork contractor in the first major recovery of its kind in the country. The next case taken in Feb 2008 in the South West saw over £1 million in assets seized.

Northern Ireland

The liaison of the Environmental Crime Section of the NIEA with ARA has resulted in this agency conducting 4 confiscations resulting in confiscation orders of more than £830,000 in the last year. From 2003 to September 2008 the section had secured 331 convictions resulting in £797,615 in fines and 6 prison sentences (with a further 6 suspended sentences). The section has also secured funding for a further 19 investigators.

1.1.4 Major problems and deficits identified

- Pre-existing waste management system was highly dependent on landfilling and remains important
- It will still take a lot of effort to comply with the later EU targets on biodegradables
- Alternative waste management infrastructure is being developed and public attitude towards waste could be improved
- Littering and illegal dumping of waste (fly-tipping) remains a problem
- Market for recyclable goods exists but leaves great potential for improvement
- Number of problematic waste streams that cannot meet WAC (e.g. furnace slag from battery recycling and used pot liners from aluminium smelting) are temporarily continuing to be landfilled (the UK Government has advised the Commission of its approach and actions are in progress to either make these compliant with WAC or to find other disposal or recovery routes)
- The collection of representative of samples is a complex and difficult issue

1.1.5 *Examples of good practice identified as potential tools to improve implementation and enforcement*

- UK authorities are taking a lot of measures to implement and enforce the requirements of Landfill Directive
- Strategic approach is clearly visible to shift the UK waste management system which was highly dependent on landfilling towards a more diverse waste management system complying with EU provisions
- Innovative economic incentives are in place in order to reduce biodegradable fraction (LATS, Landfill tax escalator...)
- Awareness Raising campaigns are in place
- Waste collection schemes and separation are in place; green waste is collected separately and a market for compost exists
- Enforcement infrastructure in place
 - Systematically supervising the compliance of all existing landfills
 - Fly tip protocol in place between Environment Agency/Scottish Environment Protection Agency and local authorities to clearly define respective responsibilities in the field of littering / illegal dumping
 - Large number of non-compliant landfill sites closed or closing
- Good progress towards municipal waste targets
- Good co-operation between municipalities in place and incentives for co-operation between municipalities in place
- Defra/regulator provides guidance documents in various fields (e.g. on how to sample waste)

1.1.6 *Priority activities for the implementation of Landfill Directive requirements in the UK*

- The key focus for the near future was identified as being waste prevention
- Further reduced share of landfilling.
- Meet EU targets on biodegradables
- Further education and awareness raising of citizens
- Further fight against littering and illegal dumping (fly-tipping)
- Further improve market for recyclable goods

1.1.7 *Proposals, suggestions and issues needing addressing by the EU Commission:*

- Small number of existing sites without an artificial sealing liner but which are viewed as environmentally acceptable. The Landfill Directive specifies landfill engineering requirements but the detail at the site specific level is open to interpretation on need for both a geological barrier and an artificial sealing liner; Defra is considering

contacting the COM to clarify

- Compliance with WAC has reduced the amount of inert waste available for quarry restoration; Regulation of inert waste is being reviewed; UK Government consulted on a range of issues raised by industry
- Further guidance on definition of pre-treatment
- COM should provide guidance on better common consideration of technical engineering / risk assessments
- Criticism was raised during the discussion that the concept of the Landfill Directive is “old fashioned” and does not sufficiently take into account the principle of sustainability. Denmark was recommended as an example for considering the principle of sustainability within landfill related policy.
- Another basic criticism was raised against the laxly drafted EU provisions concerning the engineering of landfills for inert waste which could lead to the absurd result that landfills for inert waste might be considered more of a threat to the environment than landfills for hazardous waste.
- A suggestion was made during the discussions to shift the responsibility for sampling and testing to the waste producer to set incentives to produce less hazardous waste
- Other suggestions include introducing a BREF for landfills and to provide extensive FAQ section on landfills at EU level

2 Agendas and Participant Lists

2.1.1 Agenda for UK, London, 26-27 June 2008

Participants

The event is addressed primarily to the administrative bodies involved in enforcement of landfill of waste. Other relevant organisations like important scientific and educational institutions, waste management companies and NGOs are also invited to contribute to the information exchange process.

Travel information

Location:
Department for Environment, Food and Rural Affairs (DEFRA),
Nobel House,
17 Smith Square,
London SW1P 3JR

Room: Conference A & B

Contacts: Liz Sheppard,
Liz.Sheppard@defra.gsi.gov.uk
Phone: +44 20 7238 6372

Links to a map of the surrounding of the DEFRA and to accommodations can be found at the homepage.

Contacts:

European Commission
Peter Wessman
E-mail: Peter.Wessman@ec.europa.eu

BIPRO GmbH
Anke Joas
E-mail: anke.joas@bipro.de

<http://www.bipro.de/waste-events/land/landfill.htm>

Background and Objectives

Each year about 1.3 billion tonnes of waste are produced by the citizens of the European Union and require adequate treatment. The European Commission has taken various measures to reduce the amount of waste by supporting appropriate treatment, reuse, recycling and recovery of waste. Nevertheless a huge amount of waste is still landfilled.

To reduce environmental and health impacts of this disposal method the European legislation, especially **Directive 1999/31/EC** on the landfill of waste and **Decision 2003/33/EC** on acceptance criteria for waste, set high requirements for the authorisation, operation, closure and aftercare of landfills. This includes technical standards, reduction targets, acceptance procedures, limit values, monitoring and control activities. All existing landfills have to fully comply with the legal requirements at the latest by 2009 (earlier for landfills for hazardous waste)

Within the last years many activities were initiated to meet this requirements, however many landfills do still not fully comply with the legal requirements.



Therefore the European Commission (DG Environment) initiated a project to support enforcement and promote information transfer. In total seven events will be held in EU Member States.

Besides discussing the legal requirements and objectives of EU policy the events aim at supporting the exchange of information amongst experts in the field of implementation and enforcement and to discuss best practices.

National and regional experts are given the possibility to receive information, exchange experiences and to identify possibilities for further improvements of implementation and enforcement within their countries.



Information Exchange and Awareness Raising Event on LANDFILL of Waste

United Kingdom
London

26 June 2008
and
27 June 2008

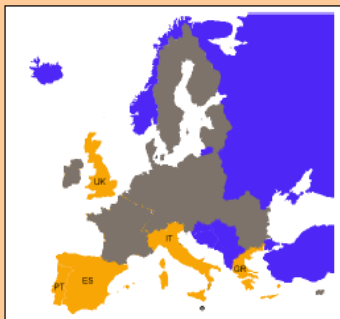


Project funded by DG Environment of the European Commission

AGENDA

Thursday, 26 June 2008

from 10:00	Registration, Come together
Chairperson: Daniel Instone, DEFRA, Ferdinand Zotz, BiPRO	
10:30	Daniel Instone, DEFRA <i>Opening of the Workshop</i>
10:40	Elisabeth Müller, BiPRO GmbH <i>Introduction to the EU Project</i>
I. RELEVANT LEGISLATION AND STATUS QUO	
10:50	Ferdinand Zotz, BiPRO GmbH <i>Overview on relevant European legislation – The Landfill Directive</i>
11:30	COFFEE BREAK
11:45	Daniel Instone, DEFRA <i>State of implementation of the Landfill Directive</i>
12:15	Chris Deed <i>Delivering the Landfill Directive - the achievements, the challenges and the future</i>
12:45	Questions and Discussions
13:00	LUNCH BREAK (provided by DEFRA)



Thursday, 26 June 2008

Chairperson: Daniel Instone, DEFRA, Elisabeth Müller, BiPRO	
II. SPECIFIC ASPECTS OF IMPLEMENTATION	
14:00	Leslie Heasman, MJCA <i>The application of risk assessment in accordance with the landfill directive</i>
14:20	David Greenfield, SEIEP <i>South East Improvement & Efficiency Partnership (SEIEP) Waste Resources Partnership</i>
14:40	Elisabeth Müller, BiPRO GmbH <i>Legal requirements for acceptance and control during operation of landfills</i>
15:00	Questions and Discussions
15:20	COFFEE BREAK
15:40	Robin Hall, Government Office for the East Midlands <i>Local Authority waste management targets in the East Midlands</i>
16:00	Peter Wessman, European Commission, DG Environment <i>Status and problems with the implementation of European legislation for landfills</i>
16:30	Andrew Bate, Lafarge Aggregates Limited <i>Quarry Restoration, Disposal or Recovery</i>
16:50	Ferdinand Zotz, BiPRO GmbH <i>Experiences from Previous Events</i>
17:10	Questions and Discussion
17:30	END OF THE FIRST WORKSHOP DAY

Note: After each presentation 5 minutes for questions are included

Friday, 27 June 2008

III. EXCURSION	
8:00	Excursion to the Sutton Courtenay Landfill in Oxfordshire (departure by bus at 8 am at DEFRA)
10:00	Arrival at Sutton Courtenay Coffee, biscuits etc
10:15	Mike Snell, WRG <i>Welcome and introductions</i>
10:20	Chris Ellis, WRG, and Will Gander, Sutton Courtenay Landfill Site <i>Presentation on Sutton Courtenay Landfill Site</i>
11:00	Nicola Barrow, WRG <i>The future: Sutton Courtenay Resource Recovery Park</i>
11:15	Tour of site
12:30	BUFFET LUNCH (at the landfill)
Chairperson: Daniel Instone, DEFRA, Ferdinand Zotz, BiPRO	
IV. CLOSING SESSION (at the landfill)	
13:30	Discussion, open questions, concluding statement
14:30	END OF THE WORKSHOP (at the landfill)
16:30	END OF THE WORKSHOP (at DEFRA)

Please note that for the landfill tour sturdy shoes will be necessary

2.2 List of participants

2.2.1 List of participants for UK, London, 26-27 June 2008

	Name	Institution	Phone	e-mail
1	Peter Wessman	EU Commission, DG Environment	0032 22991227	Peter.Wessman@ec.europa.eu
2	Daniel Instone	DEFRA-Sustainable Consumption and Production and Waste Directorate Waste Strategy	020 7238 6000	daniel.instone@DEFRA.GSI.GOV.UK
3	Liz Sheppard	DEFRA-Sustainable Consumption and Production and Waste Directorate Waste Strategy	020 7238 6000	Liz.Sheppard@defra.gsi.gov.uk
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6	Nigel Barraclough	DEFRA	020 7238 1686	Nigel.barraclough@defra.gsi.gov.uk
7	Chris Deed	Environment Agency - Waste Policy	07818 015480	Chris.Deed@environment-agency.gov.uk
8	Charlotte Danvers	Environment Agency - Operations Directorate	01925542227	charlotte.danvers@environment-agency.gov.uk
9	Peter Elliott	Environment Agency	01392 352318	peter.elliott@environment-agency.gov.uk
10	Jan Gronow	Centre for Environmental Policy, Imperial College London	01285 657510	jan.gronow@j-r-g.co.uk
11	William Dukelow	Department of the Environment in Northern Ireland (DOENI)	028 90 544 512	William.Dukelow@doeni.gsi.gov.uk
12	Kerry Vitalis	Department for Business, Enterprise and Regulatory Reform (formerly DTI)	020 7215 1072	Kerry.Vitalis@berr.gsi.gov.uk

	Name	Institution	Phone	e-mail
13	David Greenfield	Improvement & Efficiency South East (IESE), Waste Resources Partnership C/O	07711930988	david.greenfield@sece.gov.uk
14	Andrew Orchard	Government Office for the West Midlands Sustainability & Rural Affairs Team	0121 352 5122	andrew.orchard@gowm.gsi.gov.uk
15	Robin Hall	Government Office for the East Midlands	0115 971 2509	Robin.HALL@goem.gsi.gov.uk
16	Kevin Philpott	Scottish Executive Environment and Rural Affairs Department, SEERAD, Environmental Quality Directorate: WPRD:Waste Regulation Team	0044 131 244 1759	Kevin.Philpott@scotland.gsi.gov.uk
17	Leslie Heasman	MJCA	01827 717891	leslieheasman@mjca.co.uk
18	Gene Wilson	Augean plc	01780444905	genewilson@augeanplc.com
19	Nick Walker	Veolia Environmental Services (UK) Plc	01277-268514	Nick.walker@veolia.co.uk
20	Andrew Bate	Waste, Landfill & Recycling -Lafarge Aggregates Limited	0116 2648580	Andrew.bate@lafarge.com
21	Jason Stringer	Biffa Waste Services	01213134849	jason.stringer@biffa.co.uk
22	Michael Shanks	RWE npower	01793 893726	michael.shanks@rwenpower.com
23	Ariadna Janoriz-Rodrigo	The Waste and Resources Action Programme (WRAP)	01295 819659	ariadna.janorizredrigo@wrap.org.uk
24	Emma Watkins	Institute for European Environmental Policy	020 7799 2244	ewatkins@hotmail.com
25	Ray Grant	British Metals Recycling Association	01224 871844	Ray@johnlawrie.com
26	Sam Corp	Environmental Services Association	020 75913209	S-Corp@esauk.org
27	Elisabeth Müller	BiPRO GmbH	0049 89 1897 9050	elisabeth.mueller@bipro.de
28	Ferdinand Zotz	BiPRO GmbH	0049 89 1897 9050	ferdinand.zotz@bipro.de

