

SCHEDULE

Regulation 16

New Schedule 9A

“SCHEDULE 9A

Regulation 35(2)(ca)

Materials Facilities

**PART 1**

Introductory provisions, conditions and functions

**Assessment and notification**

1.—(1) At the start of each reporting period, the operator of a materials facility must assess the amount of mixed waste material that facility is likely to receive during the relevant year by having regard to—

- (a) the amount of mixed waste material received at that facility during the period of 12 months immediately preceding the start of that reporting period, and
- (b) the anticipated amount of mixed waste material that will be received by that facility during the relevant year.

(2) The operator must notify the regulator before the end of the reporting period if the assessment undertaken at the start of that period indicates that the materials facility is likely to receive a minimum of 1,000 tonnes of mixed waste material during the relevant year.

(3) Where the operator has given a notification under sub-paragraph (2), no further notification is required under that sub-paragraph in relation to any subsequent assessment, for so long as that notification is not withdrawn.

(4) The operator may withdraw, in writing, a notification given under sub-paragraph (2) at any time if the operator considers that the materials facility is not likely to receive a minimum of 1,000 tonnes of mixed waste material during the relevant year.

(5) In this paragraph, “relevant year” means the period of 12 months that commences on the first day of a reporting period.

**Interpretation**

2.—(1) In this Schedule—

“material particles” means—

- (a) for specified output material that is made up in largest proportion of glass material, particles of that material that measure less than 13 millimetres along their longest dimension; and
- (b) in relation to all other types of specified output material and for mixed waste material, particles of material measuring less than 55 millimetres along their longest dimension;

“materials facility” means, subject to sub-paragraph (2), a regulated facility or part of a regulated facility that receives mixed waste material in order to separate it into specified output material for the purpose of selling it, or transferring it to other facilities or persons to enable that material to be recycled by those facilities or persons;

“mixed waste material” means waste that—

- (a) originates—

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- (i) from households, or
  - (ii) from other sources but is similar to household waste in terms of its nature or composition; and
- (b) consists in largest proportion of two or more of the following kinds of target material mixed together—
- (i) glass,
  - (ii) metal,
  - (iii) paper,
  - (iv) plastic;

“non-recyclable material” means waste material that is not capable of being recycled;

“non-target material” means material that is capable of being recycled but is not a target material;

“paper” includes cardboard and beverage cartons that include cardboard as a composite material;

“reporting period” means any of the following periods commencing after 30th September 2014—

- (a) 1st January to 31st March,
- (b) 1st April to 30th June,
- (c) 1st July to 30th September,
- (d) 1st October to 31st December;

“specified output material” means a batch of material (whether or not waste) that is—

- (a) produced from a separating process for mixed waste material; and
- (b) made up of one of the following kinds of target material, in largest proportion—
  - (i) glass,
  - (ii) metal,
  - (iii) paper,
  - (iv) plastic;

“target material” means a material that is identified by the operator of a materials facility as destined to be separated out from mixed waste material in order to produce bulk quantities of that identified material.

(2) In this Schedule—

- (a) any reference to a “materials facility” excludes a facility or a part of a facility that undertakes the processing or sorting of WEEE, waste batteries or accumulators;
- (b) references to “recycled” or “recyclable” are to be construed in accordance with the meaning of “recycling” given in Article 3(17) of the Waste Framework Directive.

### **Specification of conditions of environmental permits and exercise of relevant functions**

3.—(1) On the coming into force of this paragraph, any environmental permit relating to a materials facility that is in force at that time, or that is granted after that time, is subject to the condition that the operator of that facility must comply with paragraph 1(1) and (2) of this Part.

(2) Where the operator of a materials facility has given notification under paragraph 1(2) of this Part, any environmental permit relating to that facility (whether in force on the coming into force of this paragraph or granted after that time) is subject to the condition that the operator must comply

with Part 2 of this Schedule for so long as that notification has not been withdrawn under paragraph 1(4) of this Part.

(3) The regulator must exercise its relevant functions in relation to a materials facility to ensure compliance with Part 2 of this Schedule.

(4) In the event of any inconsistency between the requirements imposed by virtue of Part 2 of this Schedule and any other condition contained in any environmental permit relating to a materials facility, the requirements imposed by Part 2 of this Schedule prevail.

## PART 2

### Measurement and reporting requirements for materials facilities

#### **Input material**

1.—(1) The operator of a materials facility must measure the total weight in tonnes of mixed waste material received at that facility, from each supplier, during each reporting period.

(2) The operator of a materials facility must take samples of the mixed waste material received at that facility, from each supplier, during each reporting period, except where that material is to be transferred to another materials facility for the purpose of separating it into specified output material, and measure the composition of those samples.

(3) For the purposes of sub-paragraph (2)—

- (a) one sample must be taken for every 160 tonnes of mixed waste material received at the materials facility from each supplier before 1st October 2016, and
- (b) one sample must be taken for every 125 tonnes of mixed waste material received at the materials facility from each supplier on or after 1st October 2016.

(4) The total weight of all the samples taken for the purposes of sub-paragraph (3) must provide an average weight of 60 kilograms or more per sample, and each sample taken must not weigh less than 55 kilograms.

(5) For the purposes of sub-paragraph (2), measuring the composition of a sample taken means identifying the materials comprising that sample by reference to—

- (a) the types of target material, non-target material and non-recyclable material that is contained in the sample; and
- (b) the weight in kilograms of each type of target material, non-target material and non-recyclable material that is so identified.

(6) Target material that is identified in a sample taken for the purposes of sub-paragraph (2) must, as a minimum, be separately identified by reference to the following materials—

- (a) glass;
- (b) metal;
- (c) paper;
- (d) plastic.

(7) If the sample taken under sub-paragraph (2) contains material particles, they are deemed to comprise the proportions of target materials, non-target materials and non-recyclable materials already identified as making up the other contents of that sample, and the weight of the material particles must be apportioned according to those proportions for that particular sample.

(8) For the purposes of this paragraph, in relation to a batch of mixed waste material received at a materials facility—

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- (a) where that batch comprises material collected pursuant to arrangements made by a waste collection authority under section 45(1)(a) or (b) of the Environmental Protection Act 1990(1), that authority is the supplier;
- (b) where that batch has been transferred from another materials facility, the material facility from which that material was transferred is the supplier;
- (c) in a case not falling within paragraph (a) or (b), the person who collected the material or, if that person is not known, the person responsible for delivering it to the materials facility is the supplier;
- (d) where the batch comprises material from more than one supplier, and the proportion of that batch attributable to a particular supplier cannot reasonably be ascertained, an estimate of the proportion is sufficient.

**Output material**

2.—(1) Apart from the mixed waste material mentioned in sub-paragraph (2) and the specified output material mentioned in sub-paragraph (3), the operator of a materials facility must measure the total weight in tonnes of all other waste material that leaves the facility in each reporting period.

(2) The operator of a materials facility must measure the total weight in tonnes of all mixed waste material that leaves the facility in each reporting period to be transferred to another materials facility for the purpose of separating that material into specified output material.

(3) The operator of a materials facility must measure the total weight in tonnes of specified output material that leaves the facility in each reporting period.

(4) The operator of a materials facility must take samples of the specified output material produced at that facility in a reporting period, and measure the composition of those samples.

(5) For the purpose of fulfilling the requirements in sub-paragraphs (3) and (4), the specified output material must, as a minimum, be identified by reference to the grade of glass, metal, paper or plastic material making up each batch of specified output material.

(6) For the purpose of sub-paragraph (4), measuring the composition of a sample taken by the operator means identifying the materials comprising that sample, by reference to—

- (a) the type of target material, non-target material and non-recyclable material that is contained in the sample; and
- (b) the weight in kilograms of each type of target material, non-target material and non-recyclable material that is so identified.

(7) The samples mentioned in sub-paragraph (4) must be taken at a minimum frequency of—

- (a) once per the amount in tonnes that is specified in the second column of the following table, in relation to the type of target material that is mentioned in the first column, for any sample taken before 1st October 2016—

<i>Target material</i>	<i>Amount</i>
Glass	50 tonnes
Paper	80 tonnes
Metal	20 tonnes
Plastic	20 tonnes;

(1) 1990 c. 43.

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- (b) once per the amount in tonnes that is specified in the second column of the following table, in relation to the type of target material that is mentioned in the first column, for any sample taken on or after 1st October 2016—

<i>Target material</i>	<i>Amount</i>
Glass	50 tonnes
Paper	60 tonnes
Metal	20 tonnes
Plastic	15 tonnes.

(8) The minimum weight of any sample taken for the purposes of sub-paragraph (4) is—

- (a) 10 kg in relation to glass target material;
- (b) 50 kg in relation to paper target material;
- (c) 20 kg in relation to plastic target material; and
- (d) 10 kg in relation to metal target material.

(9) For the purposes of sub-paragraph (5), the grade of a material means a description of that kind of material by reference to its particular material specification.

(10) If the sample taken under sub-paragraph (4) contains material particles, they are deemed to comprise the proportions of target materials, non-target materials and non-recyclable materials already identified as making up the other contents of that sample, and the weight of the material particles must be apportioned according to those proportions for that particular sample.

### **Records**

3.—(1) The operator of a materials facility must record the following information—

- (a) the measurements taken under paragraph 1(1);
- (b) details of all the samples taken under paragraph 1(2) including the weight of each sample and its composition;
- (c) the measurements taken under paragraph 2(1) and details of where the other waste material that leaves the facility in each reporting period is sent to;
- (d) the measurements taken under paragraph 2(2) and details of where the mixed waste material that leaves the facility in each reporting period is sent to;
- (e) the measurements taken under paragraph 2(3) and details of where the specified output material that leaves the facility in each reporting period is sent to;
- (f) details of all the samples taken under paragraph 2(4) including the weight of each sample and its composition;
- (g) details of the amount in tonnes of specified output material that is produced by the materials facility in a reporting period, by reference to the grade of glass, metal, paper and plastic target material that makes up that batch of material.

(2) The information recorded under sub-paragraph (1) must—

- (a) be retained by the operator of a materials facility for a minimum of four years from the date that it is first recorded; and
- (b) be produced for inspection by the regulator if required during those four years.

### **Reports to the regulator**

4.—(1) The operator of a materials facility must provide a report to the regulator that includes the information set out in sub-paragraphs (3) and (4).

(2) The report mentioned in sub-paragraph (1) must be—

- (a) produced in electronic format; and
- (b) submitted to the regulator in respect of a reporting period within one month of the expiry of that period.

(3) The following information must be provided for all mixed waste material that is received by the materials facility during a reporting period—

- (a) the measurements taken under paragraph 1(1);
- (b) the total number of all samples taken for each supplier under paragraph 1(2);
- (c) the total weight of all the samples taken for each supplier under paragraph 1(2);
- (d) the average percentage composition levels of all of the samples taken under paragraph 1(2) for each supplier, by reference to the following target materials—
  - (i) glass;
  - (ii) metal;
  - (iii) paper;
  - (iv) plastic;
- (e) the average percentage composition levels of each of the following categories of material found in all the samples taken for each supplier under paragraph 1(2)—
  - (i) target materials;
  - (ii) non-target materials; and
  - (iii) non-recyclable materials;
- (f) the standard deviation of the average percentage composition levels for the target materials found in all the samples taken for each supplier under paragraph 1(2).

(4) The following information must be provided in respect of specified output material that leaves the materials facility during a reporting period—

- (a) the measurements taken under paragraph 2(1) and details of where the other waste material is sent to in a reporting period;
- (b) the measurements taken under paragraph 2(2) and details of where the mixed waste material is sent to in a reporting period;
- (c) the measurements taken under paragraph 2(3);
- (d) the total number of all samples taken under paragraph 2(4);
- (e) the total weight in kilograms of all the samples that are taken under paragraph 2(4);
- (f) the average percentage composition levels of all of the samples taken under paragraph 2(4), by reference to the grades of glass, metal, paper and plastic identified within those samples;
- (g) the average percentage composition levels of each of the following categories of material found in all the samples taken under paragraph 2(4)—
  - (i) target materials;
  - (ii) non-target materials; and
  - (iii) non-recyclable materials;

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- (h) the standard deviation of the average percentage composition levels for the target materials found in all the samples taken under paragraph 2(4).
- (5) In this paragraph, “average” means the arithmetic mean.”