



GUERNSEY STATUTORY INSTRUMENT

2017 No. **71**

Waste Disposal and Recovery Charges Regulations, 2017

Made

14th SEP 2017

Coming into operation

1st January, 2018

Laid before the States

, 2017

THE WASTE DISPOSAL AUTHORITY^a, in exercise of the powers conferred on it by section 32(3)(c) and (4) and section 72 of the Environmental Pollution (Guernsey) Law, 2004^b and all other powers enabling it in that behalf hereby makes the following Regulations:-

Waste disposal and recovery charges.

1. (1) The charges and rates of charge set out in this regulation and Schedule 1 are prescribed for the purposes of section 32(3)(c) and (4) of the Environmental Pollution (Guernsey) Law, 2004.

(2) The charge or rate of charge specified in the third column of Table 1 in Schedule 1 ("Table 1") is payable as a precondition of the acceptance of waste at the public waste management site specified in the first column of Table 1 in respect of waste of a description specified in the second column of Table 1.

^a The States' Trading Supervisory Board is designated as the Waste Disposal Authority under the Environmental Pollution (Designation of Waste Disposal Authority) Ordinance, 2016 (Ordinance No. X of 2016).

^b Order in Council No. XIII of 2004 as amended by Order in Council No. XVI of 2015; there are other amendments not relevant to these Regulations.

(3) The charges or rates of charge payable under paragraph (2) are to be calculated in accordance with paragraph (2) and the notes to Table 1.

(4) The reloading charge specified in the third column of Table 2 in Schedule 1 ("Table 2") is payable in respect of a load of waste of a description specified in the second column of Table 2 where a load is reloaded by, or on behalf of, the Waste Disposal Authority at the site specified in the first column of Table 2 because the load does not comprise waste which is accepted at the site in accordance with section 32(3) of the Law.

(5) The charges, or rate of charges, set out in Tables 1 and 2 in Schedule 1 are charged with a view to recovering the capital, operational and administrative costs reasonably incurred by the States in providing facilities and services at all public waste management sites and are not just levied in respect of the disposal, recovery or reloading of the relevant description of waste at the relevant public waste management site specified in Schedule 1.

(6) The Waste Disposal Authority may waive, refund or reduce any charge payable under these Regulations where it appears to it appropriate to do so.

Revocation.

2. The Waste Disposal and Recovery Charges Regulations, 2016^c are revoked.

Interpretation.

3. (1) In these Regulations, unless the context requires otherwise –

"commercial waste" means –

- (a) commercial waste within the meaning of section 73(5) of the Law, or

^c G.S.I. No. 65 of 2016.

- (b) waste, other than commercial waste or household waste, including, without limitation, waste arising from an activity carried on by a public body or non-profit organisation,

and related expressions are construed accordingly,

"contaminants" means –

- (a) specially controlled waste,
- (b) a recyclable waste item of a description listed in Schedule 2 (subject to the note to that Schedule), or
- (c) inert waste,

"cover material" means material which may be used for covering waste at the Mont Cuet Landfill Site in accordance with a licence issued under Part III of the Law in relation to operations at the site,

"disposal" has the meaning in section 30(3)(a) of the Law,

"enactment" includes a Law, an Ordinance and any subordinate legislation and includes any provision or portion of a Law, an Ordinance or any subordinate legislation,

"European Waste Catalogue" means the list of wastes set out in Commission Decision 2000/532/EC^d establishing a list of wastes,

^d O.J. No. L 226, 6.9.2000, p. 3.

"green waste" means biodegradable waste composed of garden or park waste which is household waste or commercial waste, or a mixture of such waste, including waste falling within European Waste Catalogue Code 20-02-01,

"inert waste" means waste which –

- (a) does not undergo any significant physical, chemical or biological transformations,
- (b) does not dissolve, burn or otherwise physically or chemically react, biodegrade or adversely affect other matter with which it comes into contact in a way likely to give rise to environmental pollution, and
- (c) has insignificant total leachability and pollutant content and the leachate of which has insignificant ecotoxicity (and, in particular, does not endanger the quality of any water),

"the Law" means the Environmental Pollution (Guernsey) Law, 2004,

"non profit organisation" has the meaning in the Charities and Non Profit Organisations (Registration) (Guernsey) Law, 2008^e,

"public body" includes any committee, department or council of the States (however named) and the Douzaine of a Parish,

"recovery" has the meaning in section 30(3)(b) of the Law,

"recyclable waste" means waste which is capable of being recycled or

^e Order in Council No. XXVI of 2008 as amended by Ordinance No. XXXVI of 2008 and to which there are other amendments not relevant to these Regulations.

composted,

"**specially controlled waste**" means any description of waste identified by Ordinance under section 37 of the Law as so dangerous or difficult to dispose of that special measures need to be taken in respect of it^f,

"**subordinate legislation**" means any regulation, rule, order, rule of court, resolution, scheme, byelaw or other instrument made under any statutory, customary or inherent power and having legislative effect, but does not include an Ordinance,

"**Table 1**" means Table 1 in Schedule 1,

"**Table 2**" means Table 2 in Schedule 1,

and other words or expressions have the same meanings as in the Law.

(2) The Interpretation (Guernsey) Law, 1948^g applies to the interpretation of these Regulations as it applies to the interpretation of an enactment.

(3) Any reference in these Regulations to an enactment or to European Union legislation is a reference thereto as from time to time amended, re-enacted (with or without modification), extended or applied.

Citation and commencement.

4. These Regulations may be cited as the Waste Disposal and Recovery Charges Regulations, 2017 and shall come into force on the 1st January, 2018.

^f See section 26 of the Environmental Pollution (Waste Control and Disposal) Ordinance, 2010 (Ordinance No. XVIII of 2010) and the Waste Control and Disposal (Specially Controlled Waste) Regulations, 2010 (G.S.I. No. 47 of 2010).

^g Ordres en Conseil Vol. XIII, p. 355.

Dated this 14th day of Sept, 2017

A handwritten signature in black ink, consisting of a large, stylized 'C' followed by a series of loops and a long horizontal stroke ending in a small arrowhead.

Deputy C. N. K. Parkinson

President of the States' Trading Supervisory Board

For and on behalf of the States' Trading Supervisory Board as Waste Disposal Authority.

SCHEDULE 1

Regulation 1

WASTE CHARGE OR RATE OF CHARGE PAYABLE AT PUBLIC WASTE
MANAGEMENT SITES

TABLE 1

CHARGE OR RATE OF CHARGE AS PRECONDITION OF ACCEPTANCE OF WASTE

Public waste management site	Description of waste	Charge or rate of charge
A. Mont Cuet Landfill Site	1. household waste or commercial waste or a mixture of such waste, not falling within category A2 to A13 of this Table.	£222.42 per tonne subject to a minimum charge of £10 per weighed load.
	2. green waste, not falling within category A3 of this Table, containing materials which render it non-compostable.	£222.42 per tonne subject to a minimum charge of £10 per weighed load.
	3. household waste or commercial waste or a mixture of such waste containing quantities of contaminants that can reasonably be segregated or recycled.	£333.71 per tonne subject to a minimum charge of £10 per weighed load.
	4. specially controlled waste except bonded asbestos falling within category A5 of this Table.	£444.26 per tonne subject to a minimum charge of £10 per weighed load.
	5. bonded asbestos (other than that which has been damaged by fire).	£222.42 per tonne subject to a minimum charge of £10 per weighed load.

	<p>6. green waste which is commercial waste and does not contain –</p> <p>(a) quantities of contaminants that can reasonably be segregated or recycled, or</p> <p>(b) any materials which render it non-compostable.</p>	<p>£38.36 per tonne subject to a minimum charge of £5 per weighed load.</p>
	<p>7. small amounts of household waste delivered to the site by a private individual which –</p> <p>(a) are contained in a bag or other receptacle of a capacity of, or equivalent to, 100 litres or less, or</p> <p>(b) are not contained in a bag or other receptacle but comprise waste of an equivalent volume to that falling within item (a).</p>	<p>£2.50 per bag or other receptacle (up to a maximum of 10 bags or other receptacles).</p> <p>£2.50 per volume of waste equivalent to a 100 litre capacity bag or other receptacle (up to a maximum equivalent to 10 bags or other receptacles).</p>
	<p>8. incinerator ash which is not specially controlled waste and falls within European Waste Catalogue Code 19 01 12.</p>	<p>£ 222.42 per tonne subject to a minimum charge of £10 per weighed load.</p>
	<p>9. waste arising from –</p>	<p>£38.36 per tonne subject to</p>

	<p>(a) street or gully cleaning including, without limitation, road sweepings and gully sludges, and</p> <p>(b) waste water pumping station wet-well and emptying point grit tank cleansing (excluding grit recovered from Belle Greve Pumping Station).</p>	a minimum charge of £10 per weighed load.
	10. waste arising from screening operations at waste water pumping stations.	£222.42 per tonne subject to a minimum charge of £10 per weighed load.
	11. potable water treatment sludges.	£222.42 per tonne subject to a minimum charge of £10 per weighed load.
	12. blended cover material	£13.36 per tonne subject to a minimum charge of £10 per weighed load.
	13. animal carcasses.	£444.26 per tonne subject to a minimum charge of £10 per weighed load.
B. Longue Hougue Land Reclamation Site	<p>1. household waste or commercial waste or a mixture of such waste which –</p> <p>(a) is inert waste, and</p> <p>(b) does not fall within category</p>	£18.19 per tonne subject to a minimum charge of £5 per weighed load.

	B2 of this Table.	
	2. top soil containing turf or other vegetation.	£83.30 per tonne subject to a minimum charge of £5 per weighed load.
C. La Fontaine Waste Segregation Facility	1. household waste or commercial waste or a mixture of such waste, not falling within category C2 to C4 of this Table.	£222.42 per tonne subject to a minimum charge of £10 per weighed load.
	2. dry recyclable waste which is commercial waste but excluding waste falling within category C3 or C4 of this Table.	£42 per tonne.
	3. dry, recyclable waste separated into different types or descriptions of waste and collected and delivered to the site by, or on behalf of, the Douzaine of a Parish.	£1.00 per tonne.
	4. dry recyclable waste which – (a) is delivered to the site by, or on behalf of, a person holding an account with the Waste Disposal Authority in respect of deliveries of waste to La Fontaine Waste Segregation Facility, (b) is commercial waste, and (c) does not arise directly from	for the first 0.125 kg per month or below-zero charge. For amounts of over 0.125 kg per month-£42 per tonne calculated starting from and including 0.126 kg per month.

	<p>the principal activities carried on by the person holding the account,</p> <p>including, without limitation, such waste which is dry recyclable waste generated by staff canteens or kitchens.</p>	
<p>D. La Hure</p> <p>Mare</p>	<p>1. Expanded polystyrene packaging, also known as EPS, normally indicated by a number 6 within a recycling triangle.</p>	<p>£10 per load.</p>

Notes to Table 1.

1. (1) Larger volumes of household waste, in excess of the 10 bags or equivalent volume set out in category A7, are charged at the charge or rate of charge specified in column 3 of Part A of Table 1 for the description of waste in question.

(2) Unless otherwise provided, all rates of charge per tonne of waste are calculated pro-rata for amounts of less than 1 tonne, or amounts falling between whole tonnes, subject to any minimum charge per weighed load.

(3) Where waste may fall into both a general and more specific description of waste it is charged, subject to subparagraph (5), at the charge, or rate of charge, specified for the more specific description of waste.

(4) Unless otherwise stated all descriptions of waste listed in Table 1 are to be read disregarding any trace or insignificant quantities of waste falling into other descriptions.

(5) Where waste is specially controlled waste it is charged under category A4 or A5, as the case may be, except where it falls within the description of waste in

category A7 in which case it is charged at the rate of charge specified for small volumes of household waste in category A7.

TABLE 2
RELOADING CHARGES

Public waste management site	<u>Description of loads of waste</u>	<u>Reloading charge per load</u>
A. Mont Cuet Landfill Site	blended cover material	£80.38
B. Longue Hougue Land Reclamation Site	all loads	£23.70
C. La Fontaine Waste Segregation Facility	all loads	£80.38

Interpretation of Schedule 1.

2. In this Schedule, unless the context requires otherwise –

"blended cover material" means cover material of a fine consistency (for example, soil) which is mixed with waste wood shredded and screened to a maximum of 25mm at a volume ratio of 6 parts inert material to 1 part shredded wood, and

"private individual" means a person who is delivering waste to a site other than in the course of –

- (a) a business or public service, or
- (b) the activity of a non profit organisation,

SCHEDULE 2

Regulation 3(1)

RECYCLABLE WASTE ITEMS

1. **Tyres:** tyres originating from motorised vehicles but excluding tyres from electric bicycles.
2. **Lead Acid Batteries:** lead acid batteries including, without limitation, those originating from motor vehicles, generators and electrical back-up supplies.
3. **Metal:** metallic items and items containing metal including, without limitation, metal pipes, metal radiators, metal car parts, metal bicycles, metal furniture and metal fittings.
4. **Cardboard:** cardboard and cardboard packaging including, without limitation, non-corrugated cardboard but excluding cardboard contaminated with food or drink residues.
5. **Paper:** paper including, without limitation, brochures, office paper and bags of shredded paper.
6. **Clear and clean plastic bags and film packaging:** clear and clean plastic bags and film packaging but excluding clear plastic bags used for the disposal of waste.
7. **Pallets (Wood and Plastic):** whole wood or plastic pallets except those in such a condition (including damaged or broken pallets) that they cannot reasonably be reused.
8. **PVC Window Frames:** whole or part PVC window or door frames, with or without glass.
9. **Expanded Polystyrene (EPS):** expanded Polystyrene (EPS) packaging, normally indicated by a number 6 within a recycling triangle, but excluding any polystyrene food or drink containers contaminated by food or drink residues, loose-fill packaging or beads.

10. Waste Electrical and Electronic Equipment: waste electrical and electronic equipment, including, all components, sub-assemblies and consumables which are part of the equipment at the time the equipment is discarded, falling within Annex I to Directive 2012/19/EU of the European Parliament and of the Council of 4th July, 2012 on waste electrical and electronic equipment^h ("the Directive") including waste electrical and electronic equipment falling within Annex II to the Directive except for –

- (a) small household appliances,
- (b) pocket and desk calculators,
- (c) telephones (other than pay telephones),
- (d) answering systems,
- (e) radio sets,
- (f) small video cameras,
- (g) filament bulbs,
- (h) small electrical and electronic tools falling within paragraph 6 to Annex II to the Directive,
- (i) small toys, leisure and sports equipment falling within paragraph 7 to Annex II to the Directive,

^h O.J. L 197, 24.7.2012, p. 38.

- (j) medical devices falling within paragraph 8 to Annex II to the Directive which are implanted into a body or which fall within European Waste Catalogue Code 18 02 02, and
- (k) small monitoring and control instruments falling within paragraph 9 to Annex II to the Directive.

Note to the Schedule.

The items in paragraphs 3 to 10 of this Schedule are only recyclable waste items where they (or recyclable materials contained in them) are present in a particular load of waste in such quantities that they can reasonably be recycled.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations prescribe the charges, or rates of charge, payable in 2018 as a pre-condition of the acceptance of waste of particular descriptions by the Waste Disposal Authority for disposal or recovery at specified public waste management sites (see Table 1 in Schedule 1). They also set out charges in 2018 for the reloading of waste which is not accepted at specified public waste management sites (see Table 2 in Schedule 1).

These Regulations and the new charges or rates of charge come into force on 1st January, 2018.