

GREFFE
ROYAL COURT

- 9 NOV 2020

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GUERNSEY

GUERNSEY STATUTORY INSTRUMENT

2020 No. 109

Waste Disposal and Recovery Charges Regulations, 2020

<i>Made</i>	10 th September, 2020
<i>Coming into operation</i>	1 st January, 2021
<i>Laid before the States</i>	, 2020

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, subject to paragraph (3), as a precondition

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

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.

(3) No charge or rate of charge is payable as a precondition of the acceptance of waste collected and transferred to a public waste management site by the Parish waste collection and transfer service.

(4) 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.

(5) 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.

(6) 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.

(7) 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 (No. 2) Regulations, 2019^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
- (b) waste, other than commercial waste referred to in paragraph (a) or household waste, including, without limitation, waste arising from an activity carried on by a public body or non-profit organisation,

"contaminants" means –

- (a) specially controlled waste,
- (b) recyclable waste of a description listed in Schedule 2 (subject to the note to that Schedule),
- (c) Schedule 3 waste, or

^c G.S.I. No. 89 of 2019.

(d) inert waste,

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

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

"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),

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

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

"**licence**" means a licence to carry on a prescribed operation granted under section 15 of the Law,

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

"**Parish waste collection and transfer service**" has the meaning in the Parochial Collection of Waste (Guernsey) Law, 2015^f,

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

"**receiving energy recovery facility**" means the facility which, from time to time, receives refuse derived fuel from Guernsey for use in the course of the production of energy,

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

"**recyclable waste**" means waste which is capable of being recycled or composted,

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

^f Order in Council No. XV of 2015; amended by Ordinance No. IX of 2016.

"**refuse derived fuel**" means combustible waste falling within European Waste Catalogue Code 19 12 10,

"**Schedule 3 waste**" means a waste material of a description listed in Schedule 3 which is not accepted for use in the production of refuse derived fuel in accordance with the criteria for the acceptance of waste for the receiving energy recovery facility or which cannot reasonably be separated from other waste and processed into refuse derived fuel by the Waste Disposal Authority,

"**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 it⁵,

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

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

(2) Any reference in these Regulations 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, 2020 and shall come into force on the 1st January, 2021.

⁵ 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).

Dated this 10th day of September, 2020

A handwritten signature in black ink, appearing to read 'P. T. R. Ferbrache', with a stylized, cursive script.

Deputy P. T. R. Ferbrache

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. green waste which is commercial waste and does not contain – (a) quantities of contaminants that can reasonably be segregated or recycled, or (b) any materials which render it non-compostable.	£46.13 per tonne subject to a minimum charge of £5 per weighed load.
	2. green waste, containing materials which render it non-compostable.	£246.00 per tonne subject to a minimum charge of £10 per weighed load.
	3. specially controlled waste which may be disposed of at the site in accordance with the licence for the site.	£615.00 per tonne subject to a minimum charge of £10 per weighed load.

	4. incinerator ash which is not specially controlled waste and falls within European Waste Catalogue Code 19 01 12.	£615.00 per tonne subject to a minimum charge of £10 per weighed load.
	5. waste arising from – (a) street or gully cleaning including, without limitation, road sweepings and gully sludges, or (b) waste water pumping station wet-well and emptying point grit tank cleansing (excluding grit recovered from Belle Greve Pumping Station).	£260.00 per tonne subject to a minimum charge of £10 per weighed load.
	6. waste arising from screening operations at waste water pumping stations.	£615.00 per tonne subject to a minimum charge of £10 per weighed load.
	7. potable water treatment sludges.	£246.00 per tonne subject to a minimum charge of £10 per weighed load.
	8. animal carcasses.	£615.00 per tonne subject to a minimum charge of £10 per weighed load.
	9. household waste or commercial waste or a mixture of such waste, not	£246.00 per tonne subject to a minimum charge of £10

	<p>falling within category A1 to A8 of this Table -</p> <p>(a) which is comprised of any Schedule 3 waste,</p> <p>(b) which can reasonably be segregated from any other description of waste, and</p> <p>(c) for which there is no other reasonable means of disposal.</p>	<p>per weighed load.</p>
	<p>10. household waste or commercial waste or a mixture of such waste, not falling within category A1 to A8 of this Table -</p> <p>(a) which is comprised of any Schedule 3 waste,</p> <p>(b) which can reasonably be segregated from any other description of waste, and</p> <p>(c) for which there are other reasonable means of recovery or disposal.</p>	<p>£369.00 per tonne subject to a minimum charge of £10 per weighed load.</p>

B. Longue Hougue Land Reclamation Site	1.	household waste or commercial waste or a mixture of such waste which – (a) is inert waste, and (b) does not fall within category B2 of this Table.	£19.54 per tonne subject to a minimum charge of £5 per weighed load.
	2.	top soil containing turf or other vegetation.	£87.43 per tonne subject to a minimum charge of £5 per weighed load.
C. Longue Hougue Household Waste Recycling Centre (HWRC)	1.	household waste delivered to the site by a private individual which – (a) is contained in a bag or other receptacle of a capacity of, or equivalent to, 90 litres or less, or (b) is not contained in a bag or other receptacle but comprises waste of an equivalent volume to that falling within item (a).	£2.70 per bag or other receptacle. £2.70 per volume of waste equivalent to a 90 litre capacity bag or other receptacle.
	1.	household waste or commercial waste or a mixture of such waste,	£246.00 per tonne subject to a minimum charge of £10

Transfer Station (WTS)	not falling within category D2 to D5 of this Table.	per weighed load.
	2. household waste or commercial waste or a mixture of such waste containing quantities of contaminants that can reasonably be segregated or recycled.	£369.00 per tonne subject to a minimum charge of £10 per weighed load.
	3. bottles or jars which are predominantly comprised of glass and which – (a) are both commercial waste and recyclable waste and are not mixed with any bottles or jars which are household waste, (b) are delivered to the site segregated from any other description of waste, and (c) are empty and substantially clear of residues from the previous contents.	£102.50 per tonne subject to a minimum charge of £5 per weighed load.
	4. food waste which – (a) is both commercial waste	£179.38 per tonne subject to a minimum charge of £10 per weighed load.

	<p>and recyclable waste and is not mixed with any food waste which is household waste, and</p> <p>(b) is delivered to the site segregated from any other description of waste and contained –</p> <p>(i) in clear polythene bags, or</p> <p>(ii) in its original packaging but which does not require unpacking manually from that original packaging at the site prior to processing.</p>	
	<p>5. food waste which –</p> <p>(a) is both commercial waste and recyclable waste and is not mixed with any food waste which is household waste,</p>	<p>£212.69 per tonne subject to a minimum charge of £10 per weighed load.</p>

	<p>(b) is delivered to the site segregated from any other description of waste and contained in its original packaging, and</p> <p>(c) requires unpacking manually from that original packaging at the site prior to processing.</p>	
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Notes to Table 1.

1. (1) 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.

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

(3) 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.

TABLE 2
RELOADING CHARGES

Public waste management site	<u>Description of loads of waste</u>	<u>Reloading charge per load</u>
B. Longue Hougue Land Reclamation Site	all loads	£24.88
D. Longue Hougue Waste Transfer Station	all loads	£84.36

Interpretation of Schedule 1.

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

"**food waste**" means raw, uncooked and cooked waste comprised of food or drink for human consumption or consumption by pet animals, including, without limitation such waste-

- (a) comprised of the inedible parts of such food or drink (including bones), plate scrapings, out-of-date food, tea bags or coffee grounds, or dairy or egg products, or
- (b) resulting from the preparation and consumption of meals or the production of food or drink,

but excluding liquid cooking oils, 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

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, except for items falling within paragraph 6 or 15, but 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 falling within paragraph 8.
5. **Paper:** paper including, without limitation, newspapers, brochures, office paper and bags of shredded paper.
6. **Tins/Cans:** metallic items or items predominantly comprised of metal which-
 - (a) have been previously used for the packaging of food, drink, cosmetic, personal hygiene or medicinal products, including, without limitation, food or drink tins or cans or metal aerosols of that description, and
 - (b) are empty and substantially clear of residues from the previous contents.

7. **Plastic Containers:** plastic items or items predominantly comprised of plastic, except for black plastic and items falling within paragraph 10, which –

- (a) have been previously used for the packaging of food, drink, cosmetic, personal hygiene or medicinal products, including, without limitation, plastic bottles, tubs or trays of that description, and
- (b) are empty and substantially clear of residues from the previous contents.

8. **Beverage Cartons:** composite cardboard based containers which –

- (a) have been previously used for the packaging of food or drink, cosmetic, personal hygiene or medicinal products including, without limitation, milk or soup cartons or ice-cream tubs of that description, and
- (b) are empty and substantially clear of residues from the previous contents.

9. **Glass Bottles/jars:** bottles or jars which –

- (a) are predominantly comprised of glass, and
- (b) are empty and substantially clear of residues from the previous contents.

10. **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.

11. **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.

12. **uPVC Window Frames:** whole or part uPVC window or door frames, with or without glass.

13. **Mattresses:** bed or cot mattresses except those which are air or water filled.

14. **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**") and 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,

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

- (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,
- (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.

15. Food Waste: raw, uncooked and cooked waste comprised of food or drink for human consumption or consumption by pet animals, including, without limitation such waste -

- (a) comprised of the inedible parts of such food or drink (including bones), plate scrapings, out-of-date food, tea bags or coffee grounds, or dairy or egg products, or
- (b) resulting from the preparation and consumption of

meals or the production of food or drink,

but excluding liquid cooking oils.

16. Plasterboard etc.: dry, clean plasterboard or a similar dry, clean product comprised predominantly of gypsum including any such product which has a layer of insulation attached to it.

17. Cylinders or bottles etc. containing toxic or flammable substances: any fire extinguishers or gas bottles or any other cylinder which contains toxic or flammable substances.

Note to the Schedule.

The descriptions of waste in paragraphs 3 to 16 of this Schedule are only recyclable waste where the waste (or recyclable material contained in it) is present in a particular load of waste in such quantities that it can reasonably be segregated and recycled.

SCHEDULE 3

Regulation 3(1)

WASTE NOT ACCEPTED FOR USE IN THE PRODUCTION OF REFUSE DERIVED FUEL BY THE RECEIVING ENERGY RECOVERY FACILITY ETC.

1. PVC or any item predominantly comprised of PVC.
2. Any item containing significant amounts of bitumen including roofing materials or other coverings or coatings impregnated with bitumen.
3. Large Ropes, cords or chains made from any material and of more than one metre in length.
4. Residues or fluff produced by metal shredders in the course of the processing of scrap metal.
5. Fibreglass or any item predominantly comprised of fibre glass.
6. Rock wool or any item predominantly comprised of rock wool.
7. Any liquid waste including waste paint, oil or grease.
8. Any other waste item or material of such characteristics that it cannot reasonably be processed at the receiving energy recovery facility or separated from other waste and processed into refuse derived fuel by the Waste Disposal Authority including, without limitation, items of a large size or large volumes of dusts, powders or other fine-grained waste materials.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations prescribe the charges, or rates of charge, payable from 1st January 2021 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 2021 for the reloading of waste which is not accepted at specified public waste management sites (see Table 2 in Schedule 1). These Regulations do not change the charges for black bag waste put out for household, kerbside collections which are set out in different legislation.

The changes from the previous Waste Disposal and Recovery Charges (No. 2) Regulations, 2019 include amended rates of charge as set out in Schedule 1, Table 1. Two new categories of charge have been added to Table 1; one is for household waste or commercial waste, or a mixture of the same, delivered to the Mont Cuet site for which there is another reasonable means of disposal and which does not fall into the other more specific categories for the site. This will generally cover one-off waste large waste items or materials such as portacabins or boats and reflects the additional cost of disposing of such items.

A new category has been added to Table 1 for packaged food waste delivered to the Waste Transfer Station site in its original packaging which has to be unpacked manually prior to processing, for which there is a higher charge than for standard food waste. This is because of the additional cost of manually unpacking certain packaged food prior to processing.

The charges (known as commercial gate fees) are typically uplifted in accordance with the increase in the Retail Prices Index, although there are a few exceptions.

For commercial wastes received at Longue Hougue Waste Transfer Station and Mont Cuet Landfill Site the standard rate of charge increases from £240 per tonne to £246 per tonne. There is also a corresponding increase for wastes received at the Longue Hougue Waste Transfer Station from £360 per tonne to £369 per tonne when a contamination charge is applied.

Charges for hazardous sludge at the Mont Cuet Landfill Site increase from £50 per tonne to £260 per tonne. This category was previously discounted and the increase brings the charge rate to a rate that reflects the costs involved in the disposal of this material. The Committees of the States that are affected by this price increase have been consulted.

There is also an increase in the charge for household waste delivered to the Household Waste and Recycling Centre by a private individual, rising from £2.50 to £2.70 per 90 litre bag (or equivalent).

Schedule 2 lists the recyclable materials, the inclusion of which in certain mixed loads of waste, results in a higher charge than where such recyclable waste is not present. Plasterboard or other similar products made predominantly of gypsum have been added to Schedule 2.

Schedule 3 lists the wastes not accepted at the energy from waste facility to which residual waste is sent; such wastes are also contaminants, the inclusion of which in certain loads of waste results in a higher charge. Schedule 3 has been amended to remove items comprised predominantly of gypsum from the list, as these now fall under recyclable wastes in Schedule 2, and to add any item containing significant

amounts of bitumen because of operating difficulties caused at the plant when bitumen is incinerated.

A further general category of waste is also added at the end of Schedule 3 and an amendment made to the related definition of "Schedule 3 waste" in regulation 3 to cover other waste material or items which cannot reasonably be processed at the receiving energy from waste plant or separated from other waste and processed into refuse derived fuel for shipping to that plant. This is to cover one off waste items such as portacabins and boats or large volumes of dusts or powders.

These Regulations come into force on 1st January, 2021.

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