

GUERNSEY STATUTORY INSTRUMENT

2021 No. 112

GREFFE
ROYAL COURT

13 OCT 2021

DMJ.

GUERNSEY

Waste Disposal and Recovery Charges Regulations, 2021

<i>Made</i>	<i>7th October, 2021</i>
<i>Coming into operation</i>	<i>1st January, 2022</i>
<i>Laid before the States</i>	<i>, 2021</i>

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

(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 Regulations, 2020^c are revoked.

Interpretation.

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

"commercial waste" means –

^c G.S.I. No. 109 of 2020.

- (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
- (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 –

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

- (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,

"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 (Enabling Provisions) (Guernsey and Alderney) Law, 2009^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

^e Order in Council No. V of 2010; amended by Ordinance No. IX of 2016 and prospectively amended by the Charities etc. (Guernsey and Alderney) Ordinance, 2021.

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

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,

"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, and

"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 it⁸.

(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, 2021 and shall come into force on the 1st January, 2022.

⁸ 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 7th day of October, 2021

A handwritten signature in black ink, appearing to read 'P. J. Roffey', written in a cursive style.

Deputy P. J. Roffey

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.	£46.91 per tonne subject to a minimum charge of £5 per weighed load.
	2. green waste, containing materials which render it non-compostable.	£250.18 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.	£625.46 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.	£625.46 per tonne subject to a minimum charge of £10 per weighed load.
	5. waste arising from – (a) street or gully cleaning including, without limitation,	£264.42 per tonne subject to a minimum charge of £10 per weighed load.

	<p>road sweepings and gully sludges, or</p> <p>(b) waste water pumping station wet-well and emptying point grit tank cleansing (excluding grit recovered from Belle Greve Pumping Station).</p>	
	6. waste arising from screening operations at waste water pumping stations.	£625.46 per tonne subject to a minimum charge of £10 per weighed load.
	7. potable water treatment sludges.	£250.18 per tonne subject to a minimum charge of £10 per weighed load.
	8. animal carcasses.	£625.46 per tonne subject to a minimum charge of £10 per weighed load.
	<p>9. 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 is no other reasonable means of disposal.</p>	£250.18 per tonne subject to a minimum charge of £10 per weighed load.
	10. household waste or commercial waste or a mixture of such waste, not falling within category A1 to A8 of this Table –	£375.27 per tonne subject to a minimum charge of £10 per weighed load.

	<ul style="list-style-type: none"> (a) which is comprised of any Schedule 3 waste, (b) which can reasonably be segregated from any other description of waste, and (c) for which there are other reasonable means of recycling, recovery or disposal. 	
B. Longue Hougue Land Reclamation Site	<p>1. household waste or commercial waste or a mixture of such waste which –</p> <ul style="list-style-type: none"> (a) is inert waste, and (b) does not fall within category B2 or B3 of this Table. 	£25.00 per tonne subject to a minimum charge of £5 per weighed load.
	<p>2. top soil containing turf or other vegetation.</p>	£88.92 per tonne subject to a minimum charge of £5 per weighed load.
	<p>3. household waste or commercial waste or a mixture of such waste which –</p> <ul style="list-style-type: none"> (a) is inert waste, (b) does not contain asphalt or soil or other fine materials, and (c) is predominantly comprised of materials which can reasonably be processed for use as aggregates, consistent with industry standards and practices from time relating to recycled aggregates, including such materials comprising 	£14.00 per tonne subject to a minimum charge of £5 per weighed load.

	concrete and other inert construction materials.	
C. Longue Hougue Household Waste Recycling Centre (HWRC)	<p>1. household waste delivered to the site by a private individual which –</p> <p>(a) is contained in a bag or other receptacle of a capacity of, or equivalent to, 90 litres or less, or</p> <p>(b) is not contained in a bag or other receptacle but comprises waste of an equivalent volume to that falling within item (a).</p>	<p>£2.70 per bag or other receptacle.</p> <p>£2.70 per volume of waste equivalent to a 90 litre capacity bag or other receptacle.</p>
D. Longue Hougue Waste Transfer Station (WTS)	<p>1. household waste or commercial waste or a mixture of such waste, not falling within category D2 to D5 of this Table.</p>	£250.18 per tonne subject to a minimum charge of £10 per weighed load.
	<p>2. household waste or commercial waste or a mixture of such waste containing quantities of contaminants that can reasonably be segregated or recycled.</p>	£375.27 per tonne subject to a minimum charge of £10 per weighed load.
	<p>3. bottles or jars which are predominantly comprised of glass and which –</p> <p>(a) are both commercial waste and recyclable waste and are not mixed with any bottles or jars which are household waste,</p> <p>(b) are delivered to the site</p>	£104.24 per tonne subject to a minimum charge of £5 per weighed load.

	<p>segregated from any other description of waste, and</p> <p>(c) are empty and substantially clear of residues from the previous contents.</p>	
	<p>4. 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, 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>£182.43 per tonne subject to a minimum charge of £10 per weighed load.</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>(b) is delivered to the site segregated from any other description of waste and contained in its original</p>	<p>£216.31 per tonne subject to a minimum charge of £10 per weighed load.</p>

	<p>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	£25.30
D. Longue Hougue Waste Transfer Station	all loads	£85.79

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 14, 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") 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. Fibre glass 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 2022 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 2022 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 only change in waste charging categories from the previous Waste Disposal and Recovery Charges Regulations, 2020, is the inclusion of a new category B3 for the Longue Hougue Land Reclamation Site for specified inert waste which can reasonably be processed for use as aggregates. A discounted rate is charged for these loads, compared to other inert waste falling within category B1, as they can be processed for use as aggregates.

The charges (known as commercial gate fees) are typically uplifted in accordance with the increase in the Retail Prices Index. An exception to this is the increase in inert waste charges in category B1, at the Longue Hougue Land Reclamation Site, from £19.54 per tonne to £25.00 per tonne. This significant increase reflects the anticipated costs involved in providing a new inert waste facility to replace the current land reclamation site at Longue Hougue, which is estimated to be full by mid-2024. The increase in charges to meet these costs will be introduced incrementally over 4 years to spread the increase. The increased gate fee represents the first of the phased increments to meet the estimated costs for the design and construction of a new facility and the anticipated costs of stockpiling inert waste prior to this facility becoming available.

The charge for household waste delivered to the Household Waste and Recycling Centre by a private individual, will remain at the current rate of £2.70 per 90 litre bag (or equivalent) pending the outcome of a wider review of household waste charges.

These Regulations come into force on 1st January, 2022.