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Dear Sirs

**CONSULTATION PAPER ON IMPLEMENTATION OF COUNCIL DIRECTIVE  
1999/31/EC ON THE LANDFILL OF WASTE**

Please accept the following as Hertfordshire County Council's response to the above consultation. The County Council has no objection to the DETR placing a copy of this response in the DETR library.

Chapter 2 – The Regulatory Framework

This chapter uses the term 'permit' to describe the permission under which a landfill site is operated whereas the same term is also used in *Limiting Landfill* to describe the means by which some local authorities might continue to dispose of their municipal waste to landfill. This dual use of the term is potentially very confusing and the County Council feels that consideration should be given to finding an alternative term for one or the other.

Chapter 4 – Landfill classification

Compliance with the requirements of the Landfill Directive will only be achieved through a system of monitoring at the landfill gate. The paper recognises that this will require better information and more rigorous checks on waste. Two means of ensuring that these provisions are met are suggested in the paper - amendments to the Duty of Care regime or a requirement for landfill operators to implement their own system of checks.



Hertfordshire County Council, like most other Waste Disposal Authorities, currently faces a problem with traders attempting to use the County's Household Waste Sites for the illegal disposal of commercial and industrial waste. The existing Duty of Care provisions should be sufficient to address this problem but the low level of policing afforded to it by the Environment Agency, often meaning that breaches are not identified.

The County Council therefore wishes to express its support for the option of amending the Duty of Care in the hope that it will help manage and reduce the problem outlined above.

#### Chapter 5 – Prohibited Wastes

Included in the wastes that will be banned from landfill under the Directive are tyres. It is understood that the disposal of whole tyres to landfill will only be permitted until July 2003 with shredded tyres permissible until July 2006. There is, however, no definition of the term 'shredded' and, given that the disposal of tyres is now emerging as a significant problem for local authorities, the County Council urges that the need for clear guidance on 'shredding' is urgently addressed.

#### Chapter 6 – Treatment of Waste

The Directive states that only waste that has been subject to treatment may be landfilled. Treatment must fulfil three criteria:

- It must be a physical/thermal/chemical or biological process;
- It must change the characteristics of the waste; and
- It must do so in order to reduce its volume, reduce its hazardous nature, facilitate its handling, or enhance its recovery.

It appears that local authorities will meet these criteria when waste is compacted in a dustcart or waste container, but it is questionable whether the general public's placing waste into open containers will be sufficient to do so. This would be a serious issue for the County Council in its provision of its Household Waste Site Service, especially on those sites that are too small to accommodate compactors. The County Council therefore asks for further guidance on this aspect of the Directive.



## Chapter 9 – Waste Acceptance Criteria and Procedures

It is evident that, for the County Council, the most significant aspects of the Directive will surround the biodegradable content of the Hertfordshire's municipal waste stream. The task of identifying what exactly the biodegradable content is at any one time is going to be difficult. The County Council understands that this aspect of the Directive will probably be addressed elsewhere as a separate issue but it would like to take this opportunity to remind the Department of the need for careful thought on the matter.

I trust that you will find these comments both constructive and useful in this consultation.

Yours sincerely

Ray L Greenall  
Head of Waste Management

