

6.1. Definition of Waste services

The Definition of Waste (DoW) services support business by helping them to determine whether their material is:

- never a waste
- a waste
- a by-product, or
- no longer a waste (end of waste)

If a material is not waste, waste regulatory controls do not apply and the material can be put on the market as a product. This can lead to significant financial and other business benefits.

There is no legal requirement for customers to seek a DoW opinion from the Environment Agency. Businesses can choose to make their own assessment by using freely available definition of waste guidance and tools but many customers want the surety of our opinion on whether their material is a waste or not.

Providing formal DoW opinions is a discretionary service and previously we have not charged for it. It has been funded from Grant in Aid and costs over £400,000 per year to run (depending on the level of requests we receive and assess). With increasing resource and funding constraints, we could not maintain the resources to provide the services and have had to suspend them at present.

We usually have around 80 requests for DoW opinions per year. The materials vary from individual wastes from single sites to whole waste streams covered by DoW frameworks such as waste Quality Protocols.

We need to secure sustainable funding to recover the cost of providing the DoW services by introducing a fee. The charge will enable us to provide the discretionary DoW services and in many cases reduce the timescales for providing the opinion.

Without charging, we will not be able to provide DoW services.

Details of the proposed charge

If a customer would like our DoW opinion on their material, they will need to enter into a charging agreement with us at a set hourly rate of £125. The total fee will be calculated on the actual amount of hours spent assessing each submission.

Customers will pay an interim fee of £750 on submission of a request for our DoW opinion, equivalent to 6 hours work. This is the minimum time required to complete an initial review of the information submitted and estimate the resources needed, plus activities such as administration and tracking.

The customer will then be provided with an estimate of cost of the further work required to complete the full technical and legal assessment and provide a formal opinion, calculated as the estimated number of hours required times the hourly rate. Customers can agree to continue with the assessment on that basis, or withdraw at that point without incurring further costs.

When a charging agreement between us and the customer is in place, including the expected number of hours, we will continue with the assessment and invoice the customer for the hours spent. This will either be done in one go or with a series of regular invoices if the work continues for a period of time.

We will charge for the service regardless of the outcome of the assessment.