

UK Steel – Submission to Environment Agency Consultation ‘Reducing Waste Crime and Updating Time and Materials Charges’

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To: enquiries@environment-agency.gov.uk

About UK Steel

UK Steel, is the trade association for the UK steel industry. It represents all the country’s steelmakers and a number of downstream steel processors.

Introduction

The UK steel industry takes its duty to safely dispose of waste products seriously, consistent with its overall approach to a net-zero and environmentally responsible sector. As such, we are supportive of a proportionate and fair regulatory regime for waste. We have concerns with regards to the proposed reforms to exemptions outlined in this consultation – making exemptions chargeable and having an application and inspection process will pile more costs onto industry and given the responsible approach taken by steel sector, we believe is unjustified.

Before Christmas, the Prime Minister wrote to the regulators, including the Environment Agency, calling for them to take a “more pro-growth and pro-investment” approach to their duties. The proposed reforms to exemptions outlined in this consultation explicitly go against his direction. Exemptions were introduced to help facilitate small scale recycling activities that would otherwise require a permit, which would be (and still is) completely disproportionate and discourage recycling by adding to the regulatory burden.

We will focus our consultation response on the principles the UK steel industry needs for an effective UK waste charging regime, responding to relevant questions for our sector.

Question 1) Do you agree or disagree with our proposed charge for the registration of waste exemptions?

Disagree Strongly. We do not believe the evidence presented in the consultation with regard to waste crime justifies the charges for the registration of waste exemptions. The regulator already has powers to inspect those operating with exemptions, but in the experience of our members, does not choose to use these existing powers. If the Environment Agency has found that specific exemptions in specific industries do have a high rate of abuse, then targeted charges should be introduced for these only – the proportionate way of approaching this issue. A more robust refusal and prosecution process up-front for high-risk types of exemption would be eminently preferably to this blanket approach.

The powers quoted for charging for exemptions are about dealing with waste crime. If an applicant registers an exemption, then operates in accordance with it, then they are not committing any waste crime. In such circumstances charging them would not be compatible with this power, unlike the fee for intervention which is a direct result of illegal or suspected illegal activity.

Question 4) Do you agree or disagree with the waste exemptions included within the proposed band 1 for waste exemptions?

Disagree Strongly. These include low risk activities undertaken on all UK Steel member sites, such as drum-based storing of aerosols, or baling recyclables. This is not targeting waste crime, this is putting barriers up to prevent waste re-use, recovery and recycling.

Question 9) Do you agree or disagree with our proposed additional compliance charges for multiple waste exemptions, as shown in table 7?

Disagree strongly. The proposed charges already cover the costs of a site visit – UK Steel is therefore against proposals to charge extra for this service.

Question 10) Do you agree or disagree with our view on affordability?

Disagree strongly. UK Steel members already pay thousands of pounds per annum per site for what is sometimes only one visit from the Environment Agency per year. UK Steel members feel that they are overpaying for this service already, and further charges will simply equate to a further financial burden on companies, at a time when financial resources are already very stretched.

As highlighted in our introduction, we do not believe the views on affordability are consistent with the Prime Minister's wish for regulators to focus on economic growth, as these charges will directly affect the financial health of our industry for no meaningful gain.

Question 12) Do you agree or disagree with our proposal to offer operators who transition to an environmental permit a partial refund of the compliance element of the charge?

Strongly Agree. We believe this to be a fair recompense for this procedure.

Question 14) Do you agree or disagree with the proposed charge for interventions at non-permitted waste activities?

Strongly Agree. We believe that this proposal is not contentious for operators without a permit. This should be the primary method for the Environment Agency to recover costs, consistent with the 'polluter pays' principle.

Question 24) Do you agree with the proposed change to the hourly rate for water pollution incidents?

Agree. The mechanism outlined is consistent with the 'polluter pays' principle and proportionate with the cost of carrying out necessary remedial work.

Question 31) In your opinion, which of the following strategic waste crime themes should be prioritised? Select up to three.

Serious and organised crime, illegal waste sites, illegal dumping.

Question 32) Please share any additional comments that you think may help us improve our current proposals or future consultations.

UK Steel members have concerns with the proposals for a separate waste crime category of exemption abuse. Regardless of whether an exemption has been registered, if it is not being complied with, then the exemption is annulled and is therefore illegal. We recommend exemption abuse should therefore be introduced as a sub-category of illegal waste sites.

For more information, please contact Jon Harrison, Regulatory Affairs Manager, UK Steel. T: 07743829613 E: jharrison@makeuk.org