
STATUTORY RULES OF NORTHERN IRELAND

2005 No. 300

The Hazardous Waste Regulations (Northern Ireland) 2005

PART 4

MIXING HAZARDOUS WASTE

Meaning of mixing hazardous waste

18. For the purposes of these Regulations, hazardous waste of any description shall be considered to have been mixed if it has been mixed with—

- (a) a different category of hazardous waste;
- (b) a non-hazardous waste; or
- (c) any substance or material other than hazardous waste of the same category.

Prohibition on mixing hazardous waste without a permit

19.—(1) Subject to paragraphs (2) and (3), no establishment or undertaking which carries out the disposal or recovery of hazardous waste, or which produces, collects or transports hazardous waste, shall mix any hazardous waste.

(2) The prohibition in paragraph 1 shall not apply so as to prohibit a process by which waste is produced and which results in the production of mixed wastes, being a process other than one which mixes a waste with any other waste substance or material, resulting in—

- (a) a change in the nature or composition of that waste; or
- (b) the production of another waste.
- (c) Paragraph 1 above shall not apply to the extent that the mixing is authorised by and is in compliance with the conditions of a permit.

Duty to separate mixed wastes

20.—(1) This regulation applies to the present holder where—

- (a) the hazardous waste has been mixed other than under and in accordance with a waste permit, whether by the present holder or a previous holder;
- (b) the present holder is an obligated holder; and
- (c) separation is both—
 - (i) technically and economically feasible; and
 - (ii) necessary in order to comply with the Waste Directive conditions.

(2) The obligated holder must make arrangements for separation of the waste to be effected by an authorised person (which may be himself) as soon as reasonably practicable.

(3) For the purposes of these Regulations—

- (a) “authorised person” in relation to any type of hazardous waste, means a person who is authorised (howsoever expressed) by a waste permit to separate hazardous waste of that type;
- (b) “obligated holder” means a person who operates an establishment or undertaking which carries out disposal or recovery of, or collects or transports, hazardous waste, whether or not that holder is also an authorised person;
- (c) “separation” means separation of a waste from any other waste, substance or material with which it has been mixed; and
- (d) separation shall, in the absence of evidence to the contrary, be considered to be reasonably practicable when the waste arrives at, or could, without unreasonable delay, have arrived at, a site where separation is permitted by a waste permit.