

LATS Monitoring Update

Guidance for the Landfill Allowances Trading Scheme

June 2012.

The Government Review of Waste Policy in England 2011 indicates that LATS will end after the 2012/13 scheme year. Until the end of the 2012/13 scheme year, we will retain our monitoring role for the LATS regulations and continue to work with waste disposal authorities.

Local Authority Reporting

This guidance relates to the scheme year 2012/13

LATS will continue as normal until the end of the scheme year 2012/13. Waste Disposal Authorities and Unitary Authorities (WDAs) must continue to provide quarterly returns to us within three months of the end of each quarter in line with the LATS Regulations 2004. Due dates are given in Table 1. The dates shown for Level 40 publication deadline are provisional only.

We rely on prompt and accurate data to provide each WDA with a quarterly mass balance. This shows the calculated amount of BMW landfilled in that quarter.

Table 1.

	Data Period	Reporting Deadline (Level 30)	Validation Deadline (Level 35)	Level 35 Roll down request deadline	Level 40 publication deadline.
Quarter 1	April - June 2012	30th September 2012	31st October 2012	14th November 2012	7th February 2013
Quarter 2	July -Sept 2012	31st December 2012	31st January 2013	14th February 2013	2nd May 2013
Quarter 3	Oct - Dec 2012	31st March 2013	30th April 2013	14th May 2013	1st August 2013
Quarter 4	Jan - March 2013	30th June 2013	31st July 2013	2nd August 2013	7th November 2013

All Local Authorities report using Wastedataflow (www.wastedataflow.org). WDAs must submit a return containing the information contained in Regulations 11(1) and (2). In order to satisfy this requirement WDAs must achieve prompt and accurate reporting.

- To achieve a level that we consider as prompt reporting, the data which WDAs submit must reach Level 30 in WDF by deadlines shown in Table 1.
- To achieve a level that we consider as accurate reporting, the data must reach Level 35 in WDF. SKM Enviros Ltd currently work with authorities to independently validate the data so that it reaches this level.

The data quality control process for LATS requires senior managers within each authority to authorise release of data. When released it is termed Level 30. WDAs must authorise data to Level 30 in WDF by each reporting deadline to meet their statutory reporting requirements under LATS. We consider this to be **prompt** reporting.

The next step in quality control of the data is independent validation by SKM Enviros Ltd. This is vital for maintaining consistency across all 359 authorities in England. During this process errors are resolved and data moves from Level 30 within WDF to Level 35. SKM Enviros Ltd currently work with authorities to independently quality assure the data so that it reaches Level 35 within WDF. We consider this to be **accurate** reporting.

Level 35 validation

We need to ensure accurate data on municipal waste continues to be submitted. The obligation for WDAs to report waste data remains and Defra has indicated its intention to retain Wastedataflow post 2013.

Once data has been authorised and submitted to WDF for quality assurance and validated to Level 35 we do not expect any further changes to be needed. We expect changes to the quality assured data to be by exception only. For this reason there are specific requirements for data roll downs post Level 35.

- The number of level 35 roll downs that will be allowed is limited to two per scheme year per authority.
- If an error is identified in validated data a formal request to roll data back to Level 0 must be submitted to Enviros SKM Ltd on a Level 35 roll down form which can be downloaded from the guidance page on WDF.
- Formal requests to change data must be made in accordance with deadlines in Table 1. Requests to change data after these deadlines are unlikely to be considered unless they have a significant impact.
- Requests to change data after the Q4 deadline cannot be considered.
- For a Level 35 roll down to proceed agreement is required from both Defra & the Environment Agency.

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08708 506 506

incident hotline
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floodline
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www.environment-agency.gov.uk

Level 40 Validation

Following quality assurance by SKM Enviros Ltd, submissions at Level 35 are reviewed by the Environment Agency before being authorised to Level 40. This validation stage involves further quality assurance. Once data has been authorised to Level 40 by us it is publicly available via WDF.

- Defra or the Environment Agency may request local authorities to amend data if large errors are identified as part of the Level 40 validation process. This may involve a Level 35 roll down of data if a reconciliation of tonnages in the following quarter(s) is not possible.
- In these circumstances we will generate a Level 35 rolldown request and in agreement with the local authority, Defra and Enviros, incorrect data will be changed. (The process is the same as that described for roll downs during level 35 validation above, but the request to change data is from Defra or the Environment Agency rather than the local authority).
- Enviros will work with local authority officers to amend the data and roll the data back up to Level 35 promptly. It will then be reviewed by the Environment Agency and rolled up to Level 40.

Exceptionally, data maybe at Level 40 but an error discovered after this e.g. through a LATS visit. If the error is significant a Level 40 rolldown may be required. If this occurs, Defra or the Environment Agency will generate a L40 rolldown request and in agreement with the local authority, Defra and Enviros, incorrect data will be changed. If a Level 40 rolldown is required, we will seek evidence that corrective and preventative actions are taken by the local authority to ensure the situation does not occur again.

Reconciling Allowances - Local Authorities

The trading of LATS allowances ends on 30th September for the scheme year.

- Before the September deadline, WDAs must decide if they need to acquire additional allowances to meet their targets, or trade surplus allowances.
- As 2012/13 will be the last scheme year, banking or borrowing of allowances will no longer be applicable.
- We will continue to provide a draft reconciliation figure for each WDA by 31st August where prompt and accurate data is available. The reconciliation will state the amount of BMW the WDA has landfilled and the number of allowances that the WDA holds.
- Any WDA that does not have a complete set of quarterly data at level 35 by August 2nd may not receive a reconciliation figure.
- There is no provision within the LATS Regulations (2004) for a WDA to dispute or appeal the draft reconciliation figure. The quantity of BMW landfilled and therefore the number of allowances that a WDA has used cannot be changed. The reconciliation is "draft" because after receiving it there is still time for a WDA to transfer allowances which could mean the number of allowances held by a WDA may change during September.

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Landfill Operators

The LATS regulations require landfill operators to make an annual waste return covering municipal waste accepted at their facilities. This is in addition to the quarterly permit returns that landfill operators complete as part of their permit conditions.

In consultation with Defra, we have decided to remove the requirement to submit annual (LOPERS) returns for the year 2010/11. We expect this to be the same for remaining years of LATS, but it is possible that annual (LOPERS) returns may be re-instated at a later date.

Serving Notices - Local Authorities

We have to be satisfied that treatment or recovery of recyclable waste and diversion of BMW from landfill is being carried out legitimately. If required, we may serve notice under the LATS Regulations (2004) to obtain sufficient information connected to the sending of biodegradable municipal waste to landfill.

When we serve notice

- The notice will be served on the Chief Executive of the WDA.
- The notice will request the WDA to provide information within a specified time period (e.g. 10 working days).
- The notice will clearly state what we require the WDA to do, e.g. provide an evidence trail of where & how the information has been gathered.
- Failure to comply with a notice may make a WDA liable to a penalty from Defra.

Penalties - Local Authorities.

Failure to comply with a notice from us could result in a formal penalty applied by Defra.

Defra may also issue penalties to WDAs that fail to comply with statutory data requirements under LATS. Defra penalty guidance is available at:

<http://archive.defra.gov.uk/environment/waste/localauth/lats/documents/lats-s26guide.pdf>

Defra may also suspend a WDA from transferring allowances if the WDA has breached any requirement of the regulations.

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