

E.U. WASTE FRAMEWORK DIRECTIVE

Cabinet – 13 November 2014

Report of	Richard Wilson, Chief Officer Environmental and Operational Services
Status:	For Decision
Also considered by:	Local Planning and Environment Advisory Committee – 23 October 2014
Key Decision:	Yes

Executive Summary: This report provides an outline of the requirements of the England and Wales Waste Regulations 2011 (as Amended 2012), promoting high quality recycling.

It summarises the methodology of the Waste Regulatory route map which has been accepted by the Environment Agency as an acceptable assessment to demonstrate compliance.

An Independent Consultant has been engaged to undertake the assessment, and their findings are summarised together with conclusions reached.

The conclusion reached is that, on the basis that the recommended actions, as outlined in this report, are implemented, the Council does not need to collect paper, card and plastic separately in order to promote high quality recycling.

This report supports the Key Aim of a clean and healthy environment.

Portfolio Holder Cllr. Piper

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Recommendation to Local Planning and Environment Advisory Committee:

It be resolved, that it be recommended to Cabinet, on the basis that the recommended actions identified in this report are implemented, there is good evidence that the Council does not need to collect paper, card and plastic separately in order to promote high quality recycling.

Recommendation to Cabinet:

It be resolved, that, on the basis that the recommended actions, identified in the report, are implemented, there is good evidence that the Council does not need to collect paper,

card and plastic separately in order to promote high quality recycling.

Reason for recommendation: Following an assessment undertaken to ensure compliance with the Regulations and in accordance with the Waste Regulations route map methodology, it is concluded that it is not necessary to separately collect paper, card and plastic to ensure high quality recycling.

Introduction and Background

Statutory Framework

- 1 The revised EU Waste Framework Directive issued in 2008 and transposed in the Waste (England and Wales) (Amendment) Regulations 2012, requires the UK to take measures to promote high quality recycling.
- 2 This includes a specific requirement, by 1 January 2015, to set up separate collections for paper, plastic, metal and glass as a minimum.
- 3 Collectors of this waste must collect these materials separately, unless it is not necessary to provide high quality recycle; or unless it is not technically, environmentally or economically practicable (TEEP).
- 4 Co-mingled collections of these materials will only be permissible after 2015 where it provides high quality recycles or where separate collection is not practicable.
- 5 The delay in the UK Government transposing this into National legislation was due to an unsuccessful judicial review of the amended regulations in 2013.
- 6 The Environment Agency is the enforcement Authority and their enforcement will be a risk based regime. They anticipate that enforcement action will be kept to an absolute minimum.
- 7 Where collection of waste paper, metal, plastic and glass is not already undertaken by means of separate collection, the Waste Collection Authority (WCA) can ensure compliance by:-
 - 7.1 Assessing the extent to which separate collection is necessary and practicable within the terms of the Regulations.
 - 7.2 Updating the assessment when making decisions affecting waste collection;
 - 7.3 Documenting their decisions and retaining a record of the evidence underpinning them.
- 8 Two or more of the waste streams may be collected using a co-mingled system, if the system achieves high quality recycling. The benchmark of 'High quality' should be taken as meaning that the recycle is similar in both quality and quantity to that achieved with good separate collection and is therefore able to be used by reprocessors for turning back into a product of similar quality to what it was originally.

- 9 When considering what is practicable (TEEP) the WCA should aim for the best environmental outcome and consider what is technically, environmentally and economically practicable. Practicability is set out in EU guidance as:-
- 9.1 Technically practicable – means that the separate collection may be implemented through a system which has been technically developed and proven to function in practise.
 - 9.2 Environmentally practicable – means that the added value of ecological benefit justifies possible negative environmental effects.
 - 9.3 Economically practicable – means it does not cause excessive costs in comparison with the treatment of non-separated waste stream.
- 10 The Environment Agency will have the ability to issue a compliance notice requiring a collector collecting any of the four materials to take specified steps within a period to ensure that a contravention does not continue to recur, or a stop notice prohibiting any further activity until the steps specified in the notice are complied with.

Waste Regulations Route Map

- 11 In the absence of Government guidance on applying the ‘necessity test’ and TEEP, a working group comprising members of Local Authority Waste Networks and the Waste and Resources Action Programme (WRAP) has provided the Waste Regulation route map as a step by step guide to demonstrate compliance with the regulations. The route map has been accepted by the Environment Agency as an acceptable assessment to demonstrate compliance.
- 12 It presents a step by step process for Councils to follow as they assess whether their waste collection services are compliant with the requirement to separately collect certain materials.
- 12.1 Step 1 - Determine what waste is collected and how.
The purpose of this step is to assemble the information regarding current waste collection as a point of comparison for separate collection.
 - 12.2 Step 2 - Check how collected materials are treated and recycled.
An understanding of how each waste stream is currently managed and to gather information regarding recycling, treatment and disposal arrangements.
 - 12.3 Step 3 – Apply the Waste hierarchy. (Reduce, re-use, recycle, recovery, disposal)
To apply the waste hierarchy to the material collected to determine what should be collected for recycling, recovery and disposal.
 - 12.4 Step 4 – Decide whether separate collection of the four materials is required.
To determine whether separate collection of glass, metal, paper and plastic is necessary. The necessity test and practicability tests (TEEP).

- 12.5 Step 5 – Obtain sign off (from Cabinet).
Obtain appropriate sign off of your decision (Cabinet Minute).
- 12.6 Step 6 – Retain evidence to demonstrate the rationale for the decision reached.
- 12.7 Step 7 – Re-evaluation process. To ensure continuing compliance.

Assessment of whether current collection arrangements meet the England and Wales Waste Regulations 2011 (amended 2012).

- 13 For the four materials identified, glass is already collected separately through bottle banks. Paper, card, plastic bottles and cans (aluminium and metal) are collected co-mingled by the weekly clear sack collection. Some card and mixed paper are collected separately through recycling banks.
- 14 With funding from the Kent Resource Partnership, Waste Consulting LLP, Waste and Resources Management Consultants, were approached to carry out an Independent assessment of the compliance of the Council's Collection Service against the requirements of the Regulations.
- 15 The Consultant's summary of the assessment is:-
- 15.1 *"The regulations require actions to be taken to ensure waste undergoes recovery operations that comply with the 'Waste Hierarchy' and that all collectors should separately collect paper and card, glass, metals and plastics, unless it is not "necessary" or if it is technically, environmentally and economically impractical (TEEP Assessment) in order to promote 'high quality' recycling.*
- 15.2 *This report's focus is on the Council's current ability to promote high quality recycling and therefore determine whether it is necessary to actually undertake a TEEP Assessment.*
- 15.3 *The promotion of high quality recycling requires Councils to:*
- a) *Ensure their collection methodology provides an effective means of capturing the target recyclate materials; and*
- b) *Ensure the paper, card, glass, metals and plastics collected is utilised for high quality recycling (where high quality recycling is interpreted as recycling material into a product of similar quality to that of its original use – what is known as 'closed loop' recycling to improve the quantity of material recycled as well as its end use quality).*
- 15.4 *The report utilises the methodology outlined in the Waste Regulations Routemap and provides:*
- *An assessment of the quantity of materials sent for recycling; and*
 - *An assessment of the end of use quality of the Council's recycling.*

- 15.5 *In assessing the 'quantity' of recycling, the report has had to rely on compositional analysis undertaken in 2008/09. A more current analysis is recommended. The assessment however identifies that capture rates for all materials appears to have fallen by over 5% since 2008/09 and in this respect the Council must do more to improve participation in recycling services, increase the amount of material presented and reduce levels of contamination.*
- 15.6 *Assessment of the current end use quality of the recyclate identified that a high percentage was high quality. The most significant element of failure relates to the end market use of kerbside collected paper. This material is part of the Councils comingled collection which is sent to a Material Recycling Facility (MRF) under contract with Kent County Council. Elements of the paper output from the MRF is being used to produce cardboard. This is lower standard of material and is therefore seen as not achieving the high quality requirement.*
- 15.7 *In order to demonstrate that the Council's collection methodology is consistent with the objectives of the rWFD this report identifies a range of actions to fulfil the requirements of various stages of the Routemap. These actions are detailed by the relevant Routemap stages, identified below:*
- *Stage 1: Undertake a compositional analysis, this will allow a more accurate assessment of capture rates and enable a greater targeting of high quality materials;*
 - *Stage 2: Implement measures to improve capture rates for paper & card, metals and plastics;*
 - *Stage 3: work with the KRP and KCC to identify means of improving existing MRF arrangements and ensure that both the end market quality controls are included within future MRF specifications and that high quality recycling opportunities are maximised;*
 - *Stage 4: The proportions of material sent to high quality recycling should be assessed regularly to ensure over 75% of materials are sent to high quality recycling;*
 - *Stage 5: An options appraisal for communicating to residents that glass should not be included in the clear sacks should be undertaken; and*
 - *Stage 6: As assessment of options to offer commercial premises the four materials for recycling should be undertaken.*
- 15.8 *Discussion is currently being undertaken with partner Districts and Kent County Council to identify whether the current end market use for all soft mix paper can be 'upgraded' to paper instead of cardboard. If this can be achieved the Council's 'High Quality Recycling' assessment would increase further.*

- 15.9 *By addressing the above recommendations, in particular the management of the paper fraction and the implementation of a communications plan to drive up recycling quantities, the Council will have good evidence that it is not necessary to undertake separate collections of paper, card, glass, metals and plastics in order to promote high quality recycling”.*

Planned Actions

a) Communications

- 16 Improving participation, set out rates and minimising contamination are fundamental to improving the Councils performance. To this end SDC has been given funding from the Kent Resource Partnership (£31,200) to conduct a resident’s communication campaign on recycling.
- 17 The funding is to be used to provide more information to the public about the Councils recycling services and ensure it is better engaged in the District’s efforts to reduce its waste stream and fully recover valuable resources from it.
- 18 The campaign ‘Recycle Right’ will include direct delivery to households, public relations – through events and press, and use of electronic media. The aim of the campaign is to boost both the quantity of dry recycling captured and improve the quality material. There will be topic-specific messages during the course of the campaign, including an improved version of the recycling message which all residents will receive with the delivery of recycling sacks.
- 19 The scope and reach of the campaign will be magnified by linking it to other related activities for example, an expanded kerbside collection service resulting from the new Provision of Dry Recyclate Processing for Kent County Council, Fresher for Longer, Pledge for Plastics. The second year of the campaign might include a smartphone and tablet-based App to link all District recycling activities and – where possible – national campaigns with the same goals.
- 20 In addition to the above, the Council plans to:
- Reinforce the campaign through articles every quarter in its In Shape magazine delivered to every District household;
 - The Councils website will be refreshed to provide updated information on services and performance; and
 - Incorporate kerbside recycling reminders in the rolls of 25 single use recycling sacks that it delivers to District households every 20 weeks.

b) Improvement in Managing Material Recycling Facility (MRF) process and outlet markets

- 21 In the short term the Council will work with its District partners, Kent County Council and the existing MRF contractor to:

- Further improve the current quality of SDC’s MRF material; and
 - Investigate what options exist to further improve SDC’s current collection methodology to improve the end market use quality;
- 22 In the longer term the Council will work with its partners and KCC to ensure quality control and end market requirements are included within the MRF specification for future years.

Key Implications

Financial

The cost of the Consultants assessment was funded by the Kent Resource Partnership. With the interim conclusions reached, from the assessment, there is no need to change the current waste and recycling collection method.

Legal Implications and Risk Assessment Statement.

The assessment has been undertaken to ensure compliance with the requirements of the English and Wales Waste Regulations 2011 (amended 2012), in accordance with the revised EU Waste Framework Directive (rWFD).

The assessment has been undertaken in accordance with the Waste Regulations Route Map methodology. This methodology has been accepted by the Environment Agency as an acceptable assessment to demonstrate Compliance.

Equality Impacts

Consideration of impacts under the Public Sector Equality Duty:		
Question	Answer	Explanation / Evidence
a. Does the decision being made or recommended through this paper have potential to disadvantage or discriminate against different groups in the community?	No	
b. Does the decision being made or recommended through this paper have the potential to promote equality of opportunity?	No	
c. What steps can be taken to mitigate, reduce, avoid or minimise the impacts identified above?		

Conclusions

On the basis that the recommended actions are implemented and a resolution of the management of the paper stream is achieved, there is good evidence that the Council

does not need to collect paper, card and plastic separately in order to promote high quality recycling (the Necessity Test).

This assessment will need periodic review to ensure continued compliance.

Background Papers:

Interim assessment of whether current collection arrangements meet the England and Wales Waste Regulations 2011 (amended 2014) undertaken by Waste Consulting – October 2014.

Richard Wilson

Chief Officer Environmental and Operational Services