

Welsh Government - a third stage consultation on: Guidance in support of: The Recycling, Preparation for Re- use and Composting Targets (Definitions) (Wales) Order 2011

The Renewable Energy Association (REA) is pleased to submit this response to **the Welsh Government's consultation on Guidance in support of: The Recycling, Preparation for Re-use and Composting Targets (Definitions) (Wales) Order 2011**. The REA represents a wide variety of organisations, including generators, project developers, fuel and power suppliers, investors, equipment producers, biological treatment operators and service providers. Members range in size from major multinationals to sole traders. There are over 950 corporate members of the REA, making it the largest renewable energy trade association in the UK. The REA's main objective is to secure the best legislative and regulatory framework for expanding renewable energy production in the UK. The Solar Trade Association is affiliated to the REA.

REA response to the consultation - answers to questions:

Question: *Does the final draft Guidance need any changes? If so what changes should be made, and why?*

The REA would like to highlight the following changes which it recommends should be made to the Guidance prior to publication:

Recognition to the Waste Hierarchy in s3.2

The wording of this section (and the 2011 Order) gives preference to recycling over preparation for reuse and composting, which is in conflict with the spirit of the Waste Framework Directive (2008). The order of definitions in 3.2 should respect the waste hierarchy and therefore preparing for reuse should 3.2.1 then be followed by a new section 3.2.2 named recycling with subsections of 3.2.2.1 material recycling and 3.2.2.2 organic recycling (composting and anaerobic digestion).

Definition of Composting

The definition of composting has changed significantly since the second draft in January 2012. The requirement for compost to meet the Compost Quality Protocol (CQP) and for digestate to meet the Anaerobic Digestate Quality Protocol (ADQP) in order to claim recycling has been removed. This requirement has been replaced a reference back to Article 5 of the Recycling, Preparation for Re-use and Composting Targets (Definitions) (Wales) Order 2011. Consequently, the need to produce compost and digestates to certain standards is no longer a requirement, and as long as the waste has gone through a composting or digestion process which results in "a product, material or substance that is capable of use as a soil conditioner, fertiliser or growing medium" it is considered recycled..

In the accompanying document - Number: WG14470 – in points 85, 86 and 87, the Welsh Government indicates that it aims to introduce legislation to legally define end of waste for biowaste which will introduce a deadline for compliance with QP/PAS by 1 April 2015. The

same points also note that operators and local authorities should be aware of this and be working towards the relevant standard. REA welcome this recommendation however it appears to conflict with the 'definition of composting' discussed above. There is no reference whatsoever to this requirement in the current draft Guidance despite it being important information, in fact vital to ensuring future investments which ensure Welsh Local Authorities meet their statutory targets. Therefore the REA recommends that reference to the fact that in the future the definition of composting may change to include specific End of Waste criteria e.g. QP/PAS and that operators should be prepared for this change. Since this is only a Guidance document with no legally enforceable Requirements, there are more benefits to including this than excluding it. Additionally, the Welsh Government should issue a formal position paper on how it intends to legally develop the definitions currently within this Guidance and a proposal for a time-scale for this to be achieved.

In comparison to the definition of rejects in 3.2.1, that given in 3.2.2 is weak. Explicit to one specific facility, the latter contains no actual reference to disposal or other recycling / recovery options for rejects which is essential and is given in 3.2.1. In the example "rejects" listed (plastics, metals, glass, oversized items and where appropriate non-degraded corn starch bags), all of these "rejects" could actually be recycled or composted in a different process at a different facility. For example, a metal engine block (more common than you would think) could be sent for recycling at a scrap metal facility and non-degraded corn starch bags from the depacking line at a wet AD facility could be sent to a suitable composting facility (ABP compliant) for composting; yet this Guidance does not provide provision for this.

REA therefore recommends that the use of the term "reject" in the definition of composting is brought into line with the definition of "reject" in recycling. This should include reference to both ultimate disposal (reject) and the opportunity to recover materials through other recycling processes at other facilities.

Use of Allocation Method for measuring and reporting reject

As per our response to the second consultation on the Guidance and in subsequent communications with the Welsh Government, the REA does not believe that the Allocation Method widely used for reporting recycling rates from MRFs is suitable for most organic recycling facilities. As such we have previously provided detailed information to the Welsh Government on the alternative options to the Allocation Method most of which has been acknowledged but disappointingly not mentioned in the Welsh Government response to the Second consultation.

The application of the Allocation Method to local authority biowaste is becoming more difficult as wet AD plants accept feedstocks from a wider and wider range of sources. At such facilities, "reject" from commercial sources e.g. supermarkets, can be as high as 25% yet local authority food waste would never reach this level (more typically this would be 10-15%). If a local authority in Wales does not want to accept the Allocation Method then it has to prove to the Monitoring Authority that its data are valid. At present the only way to do this is by using the Sampling Guidance issued by the Environment Agency in 2012 http://www.environment-agency.gov.uk/static/documents/Business/SRT_sampling_guidance_english_v1_e.pdf.

If this Guidance were followed, a local authority wishing to not use the Allocation Method would need to assess contamination in 4KT of its biowaste (more than most local authorities expect to collect in a year – the Waste Awareness Wales campaign just reported that capture rate from Welsh local authority food waste schemes was <40%) and they need to carry out this sampling routine 4 times a year.

Clearly the validity of both the Allocation Method and the alternative described by the Environment Agency are at best questionable for biowaste and the REA would strongly

recommend that the Welsh Government look again at the proposals put forward previously by the REA for measuring contamination at biowaste facilities and not just default to a single scheme designed for 150KT+ MRFs, as this is not appropriate

For environmental, performance and cost purposes, we believe the use of the REA methodology on measuring contamination in biowaste to be the best overall option for Wales (see <http://www.organics-recycling.org.uk/page.php?article=2334&name=AfOR+releases+its+protocol+to+measure+physical+contaminants+in+biowastes>).

3.3.8 Road Sweepings and Gulley Waste

The text under this header is unhelpful and confusing. The text does not reference the fact that the current Environment Agency position is strongly against the use of road sweepings and gulley wastes in PAS100 and non-PAS100 processes. However, through the lack of specificity this text implies that if these waste types are recovered through an MBT process and applied to land in a restoration scenario then these materials will be considered recycling. Currently all biological material of mixed origin cannot meet any of the existing PAS and QP requirements so fails to be classed as EoW.

The text of 3.3.8 also introduces a new term “leaf fall” which is not defined in 3.1 and given the current enforcement scenario, the use of this term should be clarified since leaf fall collected from parks and gardens is acceptable to PAS100 processes whereas leaf fall collected on the street is not, yet both can be “recycled” according to 3.2.2. Clarity in this area is essential particularly in light of the recent position taken in respect to the treatment options available for leaves that fall on the public highway, see <http://www.organics-recycling.org.uk/page.php?article=2658&name=Outcomes+of+the+leaf+sweepings+composting+trials> for the update on this from the Environment Agency.
