



Welsh Government
Consultation – Summary of Responses

Response to the Third Stage Consultation on:

Draft Guidance in support of

**The Recycling, Preparation for Re-use and Composting Targets
(Definitions) (Wales) Order 2011**

**Regulations 4 and 5 of The Recycling, Preparation for Re-use and
Composting Targets (Monitoring and Penalties) (Wales) Regulations 2011**

Made under the Waste (Wales) Measure 2010

April 2017

Mae'r ddogfen yma hefyd ar gael yn Gymraeg.
This document is also available in Welsh.

Introduction

The Waste (Wales) Measure 2010 sets statutory recycling, preparation for re-use and composting targets for Welsh local authorities. The Recycling, Preparation for Re-use and Composting Targets (Definitions) (Wales) Order 2011 [the Order] defines recycling, preparation for re-use and composting for the purposes of the targets set in section 3 of the Measure. Regulations 4 and 5 of The Recycling, Preparation for Re-use and Composting Targets (Monitoring and Penalties) (Wales) Regulations 2011 [the Regulations] describe the monitoring regime for the statutory recovery targets set under the Measure.

From 26 August 2013 to 04 October 2013 the Welsh Government consulted on a third stage draft Guidance produced under section 7 of the Waste (Wales) Measure 2010, covering the Order and Regulations 4 and 5 of the Regulations.

This document summarises the results of the third stage consultation and provides the Welsh Government's response to consultation.

Summary breakdown of those who responded

A total of 10 responses to the consultation were received and a list of the organisations and individuals that responded is provided in Annex 1. All of the responses are published in Annex 2.

The Welsh Government would like to thank all those that responded to the consultation.

The Consultation document asked – ***Does the final draft guidance need any changes? If so what changes should be made, and why?***

Of the 10 respondents to the consultation, 6 commented on whether or not they felt that the guidance was clear. 5 of the comments stated that they were content that the guidance was clear, subject to suggested amendments and welcomed the changes that had been made to the previous draft, while 1 comment requested amendments to be made prior to publication. 4 respondents did not indicate whether or not they were happy with the document but did provide comments.

The majority of the responses to the consultation were positive (60%) and stateholders comments included:

- The removal of references to PAS100 as a definition of recycled for the purposes of Local Authority targets was welcome.
- Welcoming the improvements made to the previous draft which includes simplification of the basis for calculation for local authorities.
- The clarification of the definitions of recycling, preparation for reuse and composting contained in these statutory instruments, i.e. what will be accepted as “recovered” for the purpose of targets set out in the Waste (Wales) Measure 2010.

However some respondents highlighted areas where they felt that the guidance could be improved and these included:

- A need to consider extending the reporting period of WasteDataFlow
- A need for further discussion regarding moisture loss during biostabilisation,
- Consideration of the inclusion of input rather than output weight as the tonnage contributing towards recovery targets.

Where appropriate the Welsh Government has amended the guidance to reflect the comments received and changes have been made to the third stage consultation guidance document.

Annex 1

A total of 10 responses to the consultation were received and they are broken down as follows:

Category of respondent	Number of responses
Government Agency	1
Third sector/NGO	1
Individuals	1
Trade/professional bodies	5
Private companies	2
Total	10

Full list of respondents

Responses were received from the following:

Chartered Institute of Waste Management (Trade/Professional Bodies)

Chris Coggins (Private Company – WAMTECH)

Community Composting Network (Trade/Professional Bodies)

Local Authority Recycling Advisory Committee (Trade/Professional Bodies)

Natural Resources Wales (Government Agency)

Renewable Energy Association (Trade/Professional Bodies)

Richard Carvey - Individual

Robert Alexander (Private Company – EEE SAFE)

Waste and Resources Action Programme (NGO)

Welsh Environmental Services Association (Trade/Professional Bodies)

Annex 2 – Full consultation responses

Chartered Institute of Waste Management (Trade/Professional Bodies)

We have received a copy of the above draft for comment as part of your consultation process.

The Chartered Institution of Wastes Management (CIWM) is the professional body which represents over 6,500 waste management professionals, predominantly in the UK but also overseas. The CIWM sets the professional standards for individuals working in the waste management industry and has various grades of membership determined by education, qualification and experience.

The Cymru Wales Centre Council of the Chartered Institution of Wastes Management welcomes the opportunity of contributing to the third stage consultation on the guidance in support of the recycling, preparation for reuse and composting targets (definitions)(Wales) Order 2011.

CIWM is recognised as the foremost professional body representing the complete spectrum of the waste management industry. This gives the Institution the widest possible view and, perhaps more pertinently, an objective rather than partial view, given that our goal is for improvement in the management of all wastes.

Generally, we are satisfied with the current Consultation document, however wish to raise a number of specific points of concern that should be given further consideration prior to finalisation.

Our points are provided as responses to the specific question raised, in relation to the information received, as follows in the next pages.

Should you have any query with regards to our response, please do not hesitate to contact us.

General Observations

It is important that Natural Resources Wales works with Welsh local authorities to clarify reported end destinations of the waste that they collect, so that only materials actually recycled, prepared for re-use or composted are included in the calculation of their recovery rates. Welsh Government guidance is important in providing clarity on what waste types and waste management activities may count towards Local Authority Recycling Targets (LART). Therefore, we are supportive that final guidance is published as soon as possible.

Consultation Question

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

We note that the following has been removed from the scope of the draft final guidance:

- The use of End of Waste (EoW) criteria to define products, materials and substances.
- The consequences of de-watering digestate produced by anaerobic digestion (AD), including calculation of recovery rates.
- The apportionment of recovery in respect of Anaerobic Digestion and energy from waste (EfW) facilities that receive materials from municipal and non-municipal sources.
- Extending the period of reporting to WasteDataFlow.

All of the above require further consideration, work and clarity. However guidance on these issues should be put in place as soon as possible in order to provide clarity. We would welcome an opportunity to work with Welsh Government in taking this forward. We think that extending the reporting period of WasteDataFlow should be considered as a priority we have received feedback from Welsh local authorities expressing difficulties in obtaining all data and supporting information to comply with current reporting timescales. Finally, we recommend that clarification on end of waste (EoW) requirements are clarified and issued to local authorities as soon as possible, especially advice on the scheme year that these requirements are likely to commence and any interim arrangements. This is needed to assist local authorities with managing intermediate and long term contracts and planning for achieving future compliance.

Please find specific recommendations for changes to the final draft guidance in Table 1 below:

Table 1 – Recommended amendments to the final draft guidance

Reference	Recommended amendment	Reason
3.1.9 (p7)	<p>Heading is changed from “Clinical Wastes” to “Clinical and Hygiene wastes”.</p> <p>“Clinical” is added to the first paragraph so that it reads “Any clinical waste produced...”</p> <p>Reference to “Environmental Protect Act” amended to “Environmental Protection Act” in the second paragraph</p>	<p>To provide clarity on terminology used.</p> <p>To provide clarity and fully distinguish the difference between clinical wastes (first paragraph) and hygiene wastes (second paragraph).</p> <p>Typographical amendment</p>
3.2.1(p8-9)	The last paragraph in reference to end of waste for IBA, APCR and ‘Definition of Waste Panel’ is removed or clarified.	There are currently no Quality Protocols for IBA and APCR and this may be the case for future years as well. This specific reference to end of waste criteria is also inconsistent and confusing because references to end of waste have been removed for all other material types whilst Welsh

		<p>Government considers further work on clarifying the use of end of waste criteria. Whilst NRW does not have an end of waste panel decisions made for processes in England or in Wales prior to 1st April 2013 should be allowable as evidence for achievement of end of waste.</p> <p>Therefore, we recommend that IBA and APCR are included with all other material types in the production of additional clarification for applying the use of End of Waste (EoW) criteria for LART purposes. NRW does not have an end of waste panel to receive or make decisions for any end of waste applications and that position should be clarified to support local Wales processors where appropriate.</p>
3.2.3 (p9)	<p>We recommend that “The definition of composting and anaerobic digestion” section makes specific reference to compost-like output. It is recommended that compost-like output is defined in the guidance and clarity provided as to what types could be counted for the purposes of LART.</p>	<p>To provide clarification for local authorities that “compost” and “compost-like output” are different and to outline if there are any circumstances where compost-like outputs produced from mixed municipal sources could count in LART scheme years, in particular where the compost material does not meet PAS100 and is then used under a use of waste exemption or mobile plant permit for land reclamation purposes, also the position of the use of compost as part of restoration of landfill sites should be clarified. This clarification is sought whilst end of waste (EoW) criteria to define products, materials and substances is developed to assist NRW with monitoring local authority compliance in interim LART scheme years.</p>
3.3.7 (p10-11)	<p>The heading is amended to read “Clinical and Hygiene wastes”</p> <p>Recommend that the first paragraph and non-municipal waste code reference is removed and replaced with the following text: “Some hygiene waste may be recycled. The principal example of this is absorbent hygiene products (AHP) such as nappies and incontinence</p>	<p>To correspond with 3.1.9 recommendation above.</p> <p>This simplifies the text and reduces the risk of mixing up the definitions for clinical waste and healthcare waste which should be considered as separate and distinct.</p>

	pads.”	
3.3.8 (p11)	<p>The road sweepings and gully wastes recycling guidance is amended to maintain consistency with the definition in 3.1.10.</p> <p>More clarity is required in terms of how the organic fraction of road sweepings could be ‘composted’ in compliance with both LART and regulatory requirements.</p>	<p>There is a difference in terminology used in the paragraph (street sweepings and leaf fall) compared to the heading (road sweepings and gully wastes). The reference to leaf fall should be removed since this is one specific compositional element of street sweepings and gully waste as opposed to a separate waste stream. Road sweepings is a mixed waste stream containing potentially hazardous elements. Local Authorities require updated clarification as to how all the elements of road sweepings and gully waste could be recovered for LART within current regulatory requirements. Therefore we recommend that NRW works with Welsh Government to update road sweepings and gully waste joint government/regulatory advice for Welsh local authorities as soon as possible.</p>
3.39 (p11)	<p>The following sentence is recommended to add to this section in the guidance:</p> <p>“For wood waste to count towards the Local Authority Recovery targets it must be recovered through suitable outlets depending on whether it is treated or untreated in accordance with regulatory guidance.”</p>	<p>This is required in the guidance to clarify that ‘treated’ wood waste must not be used in ‘untreated’ wood reprocessing recovery operations. For example, only untreated wood waste is considered suitable for composting.</p>
4.2 (p12)	<p>Wording for the second end destination bullet point is amended</p> <p>The third end destination bullet point should also make reference to energy recovery</p>	<p>The wording suggests that energy recovery would be the end destination but this is not the case for all tonnages since there could be subsequent landfill or recovery of IBA and metals following energy recovery and incineration without energy recovery.</p> <p>Some exported local authority waste is recovered for energy abroad such as Refuse Derived Fuel.</p>

<p>4.3 (p14)</p> <p>4.3 (p16)</p>	<p>“disposa” is amended to “disposal” and “thence” is amended to “then”</p> <p>The monitoring authority website link is removed from the guidance and replaced with the following text:</p> <p>“Further guidance on sampling procedures may be obtained from the Monitoring Authority”</p>	<p>Typographical amendments</p> <p>NRW need to develop their website and relocate this guidance from the Environment Agency website as soon as practicable. Therefore replacing with the suggested text would ensure that this reference does not become obsolete.</p>
<p>4.4 (p16)</p>	<p>The Third paragraph needs to clarify that only tonnage entered against “Final Destination LAS & SRT compliant” is included in the total recovery sum</p>	<p>WasteDataFlow has two end destinations categories in Question 100. Those entered against the “Non-LAS & SRT compliant” are not included in the calculation of local authority recovery rates.</p>

Chris Coggins (Private Company – WAMTECH)

I have read the guidance on targets, and scribbled the following

- 3.0 to include IVC processing ?
- 3.1.1 hoary chestnut – waste prevention or diversion ?
- 3.1.2 what if generated by a paid contractor, but taken to CA site by householder ?
- 3.1.4 ship or shore based ?
- 3.1.5 see 3.1.2
- 3.1.6 MSW and C&I waste inputs, merchant facility, e proposed QP (like Defra is saying about PAS 100 and PAS 110)
- 3.1.7 APCR is not recycled
- 3.1.8 yellow bags
- 3.1.10 recent WRAP report says = CLO and not compostable
- 3.2.1 what about added water – the old trick to make it heavier
 - Sharing of IBA recycling tonnages
- 3.2.2 why not at beginning, to fit with waste hierarchy
- 3.2.3 reference to PAS 100, PAS 110 and CLO

Community Composting Network (Trade/Professional Bodies)

The final draft guidance is very clear and no changes would seem to be required.

The removal of references to PAS100 as a definition of recycled for the purposes of Local Authority targets is a very welcome development for our members in Wales. As you know this has already caused a loss of Local Authority support for some with subsequently negative impacts on jobs and services to the local community.

Local Authority Recycling Advisory Committee (Trade/Professional Bodies)

I am writing to present the LARAC response to the above Consultation, which is contained below, and may I thank you for the opportunity to respond.

The responses below are sent on behalf of the Local Authority Recycling Advisory Committee (LARAC). LARAC is an association of around 85% of the local authorities across England, Scotland, Wales and Northern Ireland whose waste management and recycling professionals co-ordinate and operate waste management services. Membership is drawn from all types of authority including statutory Waste Collection (WCA), Waste Disposal (WDA) and Unitary.

Our response has been peer reviewed by members of LARAC's policy team and executive committee. LARAC members have also been invited to comment on the consultation through the members' discussion forum on our website. All contributions received have been taken into account in drafting the response below. Our comments are detailed below.

If you have any queries on this response then please contact me on 028 37529624 or at e-mail larac@armagh.gov.uk

General Comments

LARAC members welcome the opportunity to comment on guidance in support of The Recycling, Preparation for Re-use and Composting Targets (Definitions) (Wales) Order 2011, and Regulations 4 and 5 of The Recycling, Preparation for Re-use and Composting Targets (Monitoring and Penalties) (Wales) Regulations 2011.

We feel that, subject to certain caveats, the draft guidance does clarify the definitions of recycling, preparation for reuse and composting contained in these statutory instruments, i.e. what will be accepted as "recovered" for the purpose of targets set out in the Waste (Wales) Measure 2010.

However, we feel that further debate is needed regarding moisture loss during biostabilisation, and would welcome consideration of the inclusion of input rather than output weight as the tonnage contributing towards recovery targets.

Our detailed comments are set out below.

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

Overall, we feel the Guidance to be clear, subject to the comments below:

Section 3.1 (p5) of the draft Guidance states that wastes to be included as Local Authority Collected Municipal Wastes (LACMW) may also include "such other wastes as specified by order of the Welsh Ministers under Section 3 (8)(c) of the Waste Wales Measure, though no such Order has been made to date". Members would welcome further clarification regarding what sort of waste this could relate to,

whether there will be a consultation period in advance of any specification being made, and whether funding/support will be made available to assist councils in managing these other wastes.

Section 3.1 (p5) Members have some concerns regarding abandoned vehicles being excluded from the list of materials that may contribute toward LACMW recovery targets. Local Authorities are required to collect vehicles abandoned on a public highway in their area, and also to submit quarterly Waste Data Flow returns on both the number of abandoned vehicles and the % recycled. We would therefore feel that abandoned vehicles should contribute toward LACMRW recovery targets.

Sections 3.1.9 and **3.2.1** (pp7-8) Absorbent Hygiene Product (AHP) wastes such as nappies, sanitary towels and incontinence pads are classed as LACMW, however the Guidance suggests that only the “dry” weight may be counted as recovered. LARAC members feel strongly, that as is the case with food and green wastes, water is an inherent component of AHP and as such the weight of input materials should be counted towards LACMW targets for these materials.

Finally, our members would have some concerns that the Guidance is silent on quality standards e.g. PAS 100 for compost, and we welcome clarification of the standards required for all materials in order to meet end-of-waste criteria.

Natural Resources Wales (Government Agency)

General Observations

From 1st April Natural Resources Wales brought together the work of the Countryside Council for Wales, Environment Agency Wales and Forestry Commission Wales, as well as some functions of Welsh Government. Our purpose is to ensure that the natural resources of Wales are sustainably maintained, used and enhanced, now and in the future.

Natural Resources Wales is the designated monitoring authority for the Local Authority Recovery Targets (LART). We work with Welsh local authorities to identify and report the end destinations of the waste that they collect, so that only materials actually recycled, prepared for re-use or composted are included in the calculation of their recovery rates. Welsh Government guidance is important in providing clarity on what waste types and waste management activities may count towards LART. Therefore, we are supportive that final guidance is published as soon as possible.

Consultation Question

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

We note that the following has been removed from the scope of the draft final guidance:

- The use of End of Waste (EoW) criteria to define products, materials and substances.
- The consequences of de-watering digestate produced by anaerobic digestion (AD), including calculation of recovery rates.
- The apportionment of recovery in respect of Anaerobic Digestion and energy from waste (EfW) facilities that receive materials from municipal and non-municipal sources.
- Extending the period of reporting to WasteDataFlow.

We agree that all of the above require further consideration, work and clarity. We would welcome the opportunity to work with Welsh Government in taking this forward. We would also recommend that extending the reporting period of WasteDataFlow is considered as a priority following feedback that we have received from Welsh local authorities expressing difficulties in obtaining all data and supporting information in line with current reporting timescales. Finally, we recommend that clarification on end of waste (EoW) requirements are clarified with us and issued to local authorities as soon as possible, especially in advising on the scheme year that these requirements are likely to commence and any interim

arrangements. This is required to assist local authorities with managing intermediate and long term contracts and planning for achieving future compliance.

Please find specific recommendations for changes to the final draft guidance in Table 1 below.

If you have any queries regarding this consultation response please contact John Fry at john.fry@naturalresourceswales.gov.uk.

Table 1 – Recommended amendments to the final draft guidance

Reference	Recommended amendment	Reason
3.1.9 (p7)	<p>Heading is changed from “Clinical Wastes” to “Clinical and Hygiene wastes”.</p> <p>“Clinical” is added to the first paragraph so that it reads “Any clinical waste produced...”</p> <p>Reference to “Environmental Protect Act” amended to “Environmental Protection Act” in the second paragraph</p>	<p>To provide clarity on terminology used.</p> <p>To provide clarity and fully distinguish the difference between clinical wastes (first paragraph) and hygiene wastes (second paragraph).</p> <p>Typographical amendment</p>
3.2.1(p8-9)	<p>The last paragraph in reference to end of waste for IBA, APCR and ‘Definition of Waste Panel’ is removed.</p>	<p>There are currently no Quality Protocols for IBA and APCR and this may be the case for future years as well. This specific reference to end of waste criteria is also inconsistent and confusing because references to end of waste have been removed for all other material types whilst Welsh Government considers further work on clarifying the use of end of waste criteria. Therefore, we recommend that IBA and APCR are included with all other material types in the production of additional clarification for applying the use of End of Waste (EoW) criteria for LART purposes. Also, NRW does not have an end of waste panel to receive or make decisions for any end of waste applications.</p>
3.2.3 (p9)	<p>We recommend that “The definition of composting and anaerobic digestion” section makes specific reference to compost-like output. It is recommended that compost-like output is defined in the guidance and clarity provided as to what types could be counted for the purposes of LART.</p>	<p>To provide clarification for local authorities that “compost” and “compost-like output” are different and to outline if there are any circumstances where compost-like outputs produced from mixed municipal sources could count in LART scheme years. This clarification is sought whilst end of waste (EoW) criteria to define products, materials and substances is developed to assist NRW with monitoring local authority compliance in interim LART scheme years.</p>
3.3.7 (p10-	<p>The heading is amended to read “Clinical</p>	<p>To correspond with 3.1.9</p>

11)	<p>and Hygiene wastes”</p> <p>Recommend that the first paragraph and non-municipal waste code reference is removed and replaced with the following text: “Some hygiene waste may be recycled. The principal example of this is absorbent hygiene products (AHP) such as nappies and incontinence pads.”</p>	<p>recommendation above.</p> <p>This simplifies the text and reduces the risk of mixing up the definitions for clinical waste and healthcare waste which should be considered as separate and distinct.</p>
3.3.8 (p11)	<p>The road sweepings and gully wastes recycling guidance is amended to maintain consistency with the definition in 3.1.10.</p> <p>More clarity is required in terms of how the organic fraction of road sweepings could be ‘composted’ in compliance with both LART and regulatory requirements.</p>	<p>There is a difference in terminology used in the paragraph (street sweepings and leaf fall) compared to the heading (road sweepings and gully wastes). The reference to leaf fall should be removed since this is one specific compositional element of street sweepings and gully waste as opposed to a separate waste stream. Road sweepings is a mixed waste stream containing potentially hazardous elements. Local Authorities require updated clarification as to how all the elements of road sweepings and gully waste could be recovered for LART within current regulatory requirements. Therefore we recommend that NRW works with Welsh Government to update road sweepings and gully waste joint government/regulatory advice for Welsh local authorities as soon as possible.</p>
3.39 (p11)	<p>The following sentence is recommended to add to this section in the guidance:</p> <p>“For wood waste to count towards the Local Authority Recovery targets it must be recovered through suitable outlets depending on whether it is treated or untreated in accordance with regulatory guidance.”</p>	<p>This is required in the guidance to clarify that ‘treated’ wood waste must not be used in ‘untreated’ wood reprocessing recovery operations. For example, only untreated wood waste is considered suitable for composting.</p>
4.2 (p12)	<p>Wording for the second end destination bullet point is amended</p> <p>The third end destination bullet point</p>	<p>The wording suggests that energy recovery would be the end destination but this is not the case for all tonnages since there could be subsequent landfill or recovery of IBA and metals following energy</p>

	should also make reference to energy recovery	recovery and incineration without energy recovery. Some exported local authority waste is recovered for energy abroad such as Refuse Derived Fuel.
4.3 (p14)	“disposa” is amended to “disposal” and “thence” is amended to “then”	Typographical amendments
4.3 (p16)	The monitoring authority website link is removed from the guidance and replaced with the following text: “Further guidance on sampling procedures may be obtained from the Monitoring Authority”	We are in the process of developing our website and this reference to the Environment Agency website is likely to change in the near future. Therefore replacing with the suggested text would ensure that this reference does not become obsolete.
4.4 (p16)	The Third paragraph needs to clarify that only tonnage entered against “Final Destination LAS & SRT compliant ” is included in the total recovery sum	WasteDataFlow has two end destinations categories in Question 100. Those entered against the “ <u>Non</u> -LAS & SRT compliant” are <u>not</u> included in the calculation of local authority recovery rates.

Renewable Energy Association (Trade/Professional Bodies)

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.

Richard Carvey – Individual

With reference to the above consultation I would like to bring to your attention the 4th Report of the British Society for Ecological Medicine : The Health Effects of Waste Incineration, page 43

“Bottom ash is a less severe hazard, but still contains significant quantities of dioxins, organohalogenes and heavy metals. It is extraordinary that whereas regulations have tightened in recent years to reduce dioxin emissions to air, bottom ash, which contains 20 times more dioxin, is unregulated and bizarrely is regarded as inert waste.

This misclassification had allowed it to be charged at the lowest rate at landfill sites. We believe this is wrong: it is not inert and should not be classified as such. It should be charged at a rate that is in keeping with its toxicity.”

This suggests to me that the recycling of bottom ash is extremely hazardous.

Robert Alexander (Private Company – EEE SAFE)

We are offering a response to you with particular reference to EOW criteria to define products.

The Environment Agency defines this as a Quality protocol set out for the production and use of a product from a specific waste type. The Waste Type we wish to highlight that we believe requires further consideration and possibly legislation is in regards to the product range under White Goods that fall under WEEE, UEEE and EEE categories.

In your Draft Guidance Documentation 130823 section 3.2.2 you refer to the three permitted Preparation for Reuse (PFR) recovery operations which apart from Checking and Cleaning also includes Repair. Therefore we offer our concerns relating to Repair in White Goods.

PAS 141 according to the FAQ's on WRAPs Website states:

*The PAS 141 re-use of used and waste electrical and electronic equipment (UEEE and WEEE) process management specification has been developed to improve the standards for the re-use and refurbishment of discarded electrical and electronic equipment in the UK. Developed by industry experts working with the Department for Business, Innovation and Skills (BIS), the PAS 141 specification aims to address a general demand (from consumers, retailers and others) for reassurance that used apparatus is both **electrically safe to use and functionally fit for purpose.***

The protocols are basically flawed because they do not carry sufficient warnings about Electrical Repairs, the dangers in doing it and nor does it recommend that it is done by a competent person, who in themselves of course must be proven.

We think this is fine for IT equipment but in White Goods Appliances you embrace Mechanical, Plumbing and Electrical products that we feel needs a Registered Competent Person to repair. Whilst it may be fine for an individual to undertake their own risks in reparation, we feel that where a charge is made for a repair or reuse service there needs to be accountability and assurance for a member of the public that a Registered Competent Person has conducted a repair on these products.

The use of PAS141 in this process has no such requirement in the Protocol. The Companies, who accredit organisations using the PAS, have no recognised qualifications in the Appliance Repair sector and neither do WRAP who have written the Protocols. It would seem from reading the Protocols that there is an assumption that some sort of testing procedures and/or qualified personnel are available to carry out tests, but assumption is clearly a poor element of this protocol. How can the public trust this protocol when there is no Registered Body with this repair knowledge to certify that operators in the process are competent? PAT Testing a product does not make it safe to use and additionally there are no requirements to electrically test components that are fitted properly and that are backed by employers experienced in the White Goods repair sector.

We feel that a Repair to an Electrical item, and in particular, White Goods Appliances, (many of which are left running on timers without attendance and in the vicinity of children), should be repaired by a recognised competent person. If a Business, A Local Authority or subsidiary, including a Mutual or a Reuse organisation does not have a Registered Competent Person conducting a repair, then there is a high risk of a serious accident or a fatality. See Appendix for links to research, highlighting the potential outcomes of unqualified repairers such as those working under PAS 141.

As a Government, you have informed us that you support PAS141 which is a British Standard, but that you do not actively promote it to businesses and what is not clear at the closing stage of this consultation is whether you promote it to Local Authorities under your remit. We feel that if you do not promote it to businesses, then you should not promote it to Local Authorities for the reasons we have outlined.

At EEESafe we operate to a common term used by the HSE. This term is “Competent” and we see failure in your criteria to define Products, when you utilise the Preparation for Reuse process, particularly against PAS 141.

Whilst you may not be responsible for Safety on its own, in Waste Prevention terms and according to your Guidance document, where we reiterate you include Repair as part of your PFR, you have a duty of care in Safety terms to ensure that your policies and procedures used or supported are in the highest safety interests of the citizens of Wales.

Therefore in your final Guidance document, we recommend you alter your wording to reflect the ethos and message of Safety. We also recommend you seriously consider the detail of your PFR and any support of PAS141 when it comes to White Goods Repairs.

Finally EEESafe is a Council Member of the Domestic Appliance Services Association (DASA) and the response here represents their views as well as that of EEESafe.

APPENDIX.

<http://www.which.co.uk/news/2013/05/indesit-and-hotpoint-recall-exploding-washing-machines-319617/>

<http://www.which.co.uk/news/2013/04/safety-alert-hoover-fridge-freezers-fire-risk-316714/>

<http://www.which.co.uk/news/2012/11/safety-alert-beko-tumble-dryers-at-risk-of-fire-303974/>

<http://www.which.co.uk/news/2013/04/hotpoint-recalls-dishwashers-due-to-fire-risk-317231/>

<http://www.bbc.co.uk/news/business-21630150>

<http://www.bbc.co.uk/news/uk-england-london-14025550>

<http://www.bbc.co.uk/news/business-14082886>

<http://www.bbc.co.uk/programmes/b006mg74/features/indesit-hotpoint-exploding-washing-machine>

<http://www.mirror.co.uk/news/uk-news/how-safe-your-kitchen-itvs-2023703>

According to government figures, over the last two years (2010/11) almost 6,000 appliances or their electrical leads caught fire because of faults.

<http://www.which.co.uk/news/2012/09/which-warns-of-appliance-fire-risks-297139/>

Waste and Resources Action Programme (NGO)

- I don't believe that Article 5 of the Recycling, Preparation for Re-use and Composting Targets (Definitions) (Wales) Order 2011 includes a link to PAS100 or PAS110. This link doesn't appear to be made in the recycling / recovery guidance that's being consulted on here, either. Does this mean that there has been a change in thinking around linking recycling with PAS100 and PAS110, and that there is no incentive for any AD or compost operator in Wales to become PAS compliant?;
- Whilst contaminants that are rejected prior to re-processing are discounted from the recycling rate, this is not true of contaminants that are rejected during the re-processing itself. I wonder whether this has implications for composting, where there may be substantial post-composting screening to remove contaminants? Such screening would also produce over-size material that is not strictly compost. Does this matter? My slight concern here is that compost producers may be disincentivised from removing physical contaminants prior to processing (under pressure from LAs, as this would impact on their recycling target), making it more difficult for them to remove the contaminants during or after processing (which wouldn't impact on the LA);
- The proposed digestate nitrogen metric seems to have gone. Does this indicate a change of approach to something along the lines of 'all into AD or composting minus initial rejects = recycled'?

Welsh Environmental Services Association (Trade/Professional Bodies)

General:

WESA generally welcome the improvements made to the previous draft which includes simplification of the basis for calculation for local authorities.

WESA are supportive of the Welsh Governments commitment to improving recycling rates along with improvement of the rigor and precision by which recycling is measured. We wish to stress that in measuring recycling it is important to ensure, where additional treatment to improve the value, quality and range of application of recycled products, that these improvements are truly reflected in technical guidance so that a " lowest common denominator" approach is avoided.

The use of End of Waste (EoW) criteria to define products, materials and substances.

WESA supports the use of EOW criteria as a tool by which recovery can be demonstrated and there are a growing number of case histories where ESA and its member companies have positively engaged in the EOW criteria processes. When EOW criteria are set it is extremely important to avoid market distortion resulting from imbalances in regulatory standards.

The consequences of de-watering digestate produced by anaerobic digestion (AD), including calculation of recovery rates.

WESA set out its position regarding the environmental and product quality benefits in its consultation response of the 16th June 2012. Dewatering is widely adopted throughout the EU and elsewhere as a technique to improve the quality and agricultural value of digestate and to minimise deployment risk including significantly reducing the risk of eutrophication.

WESA recognises that the needless and deliberate rejection or discarding of valuable nutrients in digestate should be avoided, however the degree to which this is possible is technology and end product quality specific. The potential for negative environmental impacts associated with dilute highly available soluble nitrate needs to be properly balanced against transparency and accountability of the product chain. WESA believes this is mainly a matter for the development of further technical guidance rather than regulation. We would welcome the opportunity to engage further with the Welsh Government, Natural Resources Wales and other stakeholders to explore how such guidance could be developed and applied.