

RIBBLE VALLEY BOROUGH COUNCIL REPORT TO COMMUNITY SERVICES COMMITTEE

Agenda Item No.

meeting date: TUESDAY, 1 SEPTEMBER 2015
title: THE WASTE (ENGLAND AND WALES) REGULATIONS 2011 (AMENDED 2012) REVIEW OF WASTE COLLECTION ARRANGEMENTS
submitted by: DIRECTOR OF COMMUNITY SERVICES
principal author: PETER McGEORGE

1 PURPOSE

- 1.1 To advise Members on the implications of The Waste (England and Wales) Regulations 2011 (amended 2012), and:
- 1.2 To seek Members' approval of the Necessity and Technically, Environmentally and Economically Practicable (TEEP) assessments, carried out by officers on the Council's current waste collection arrangements.
- 1.3 Relevance to the Council's ambitions and priorities:
 - Community Objectives – To increase the recycling of waste material.
 - Corporate Priorities – To be a well managed Council providing efficient services based on identified customer needs.
 - Other Considerations – To protect and enhance the environmental quality of our area.

2 BACKGROUND

- 2.1 Members were previously advised in the Directors General Report to this Committee on 2 September 2014 that, since 2010 waste collection authorities in England and Wales have had a duty under Section 45 of the Environmental Protection Act 1990 to arrange for the separate collection of at least two types of recyclable waste from households. In addition, Regulation 13 of the Waste (England and Wales) Regulations 2011 requires waste collection authorities from 1 January 2015, to collect waste paper, metal, plastic and glass separately (four recyclable materials)
- 2.2 Originally Regulation 13 specified co-mingling of dry recyclable materials that were separated at a materials recovery facility (such as the County facility at Farington), was a valid form of separate collection. Regulation 13 was subsequently amended following a judicial review challenge and came into force in October 2012.
- 2.3 The amendment to Regulation 13 meant that councils need to collect four materials separately, and that there are two tests, a Necessity test and a Technical, Environmental, Economic and Practicable (TEEP) test. In practical terms this means that local authorities will need to consider their collection arrangements against these requirements. The regulations do not prohibit the co-mingled collection of these materials, rather they establish separate collection as the `default` and it is for the local authority to demonstrate that separate collection is not necessary or practicable in their area.

- 2.4 It is therefore all about improving the quantity and quality of the material collected and the ability of material processors to sort materials and provide high quality materials for subsequent use through closed loop recycling.
- 2.5 A working group comprising members of the local authority waste networks and WRAP (The Waste & Resources Action Programme) published a guidance document "Waste Regulations Route Map" to help local authorities understand what recycling services they are legally obliged to provide under waste law. The Route Map reduced the extent to which individual authorities needed to invest in advice, and help bring consistency and clarity to the way that the Waste England and Wales Regulations 2011 are interpreted.
- 2.6 The Environment Agency enforces this new duty and they have already written to every local authority setting out how it intends to apply its regulatory role.

3 ISSUES

- 3.1 In undertaking the assessments required to determine whether the authority is compliant with the new Regulations, officers have followed the step by step process as set out in the Route Map.
- 3.2 It has been quite a lengthy process in undertaking the assessments due to the amount of historical and statistical background information required as evidence to support the reasoning behind our current waste collection practices. This report only summarises the main points and conclusion but a full copy of the assessments can be found on the Council's intranet using the following link:
http://intranet.rvbc.gov.uk/site/scripts/download_info.php?fileID=3500
- 3.3 Step 1 reviewed what and how waste is collected providing a detailed compositional analysis of all Ribble Valleys waste streams, the collection method for each waste, costs and income and the tonnages of each waste type collected.
- 3.4 Step 2 considered how each material we collect is treated/recycled and takes into account our two tier waste management relationship with Lancashire County Council.
- 3.5 Step 3 assessed our compliance with Regulation 12 (Waste Hierarchy). It explains our current management methods for each material type and what steps we have taken to improve compliance with the waste hierarchy.
- 3.6 Step 4 covers both:
- a) The Necessity Test which is the key test in determining whether separate collection would lead to an increase in the quantity and/or quality of material collected for recycling, and;
 - b) The Practicability Test which considers whether separate collection is technically, environmentally and economically practicable (TEEP).
- 3.7 The Necessity Test assessment concluded that the quantity of glass, can and plastic bottles recovered through our co-mingled kerbside collection arrangement is very good and that higher yield of closed loop recycling were unlikely to be achieved through separate collection of paper, metal and plastic thus the TEEP Test is not required. For glass however, although the evidence showed that the yield of glass covered is very good, the percentage sent for closed loop recycling from the (Material Recycling Facility (MRF) at Farington Waste Technology Park suggests that it does not meet quality standards/specifications for remelt and that separate collections may

improve this figure. Overall therefore, the separate collection of glass had to be subjected to the TEEP Test. Members should note that glass sent for use as an alternative to road aggregates is not approved in the waste hierarchy as an acceptable form of recycling.

3.8 Whilst the Practicability or TEEP Test considers only in general terms whether separate collection would increase the quantity and quality of glass recovered for closed loop recycling Members are advised that 69% (1758.70 tonne) of the total commingled waste stream (2548.848 tonne) delivered to the MRF at Farington was glass. 54% (949.70) tonne of this glass was sent for closed loop recycling whilst the remaining 46% (809 tonne) was used for road aggregate. In simple terms we had to consider whether it is practically beneficial to provide separate collection of glass in order to recover 809 tonnes of non-compliant glass (which is 3.7% of the total waste arisings for Ribble Valley) for closed loop recycling. The TEEP Test concluded that although it was technically practicable to provide separate collection for glass it was neither environmentally nor economically practicable.

3.9 The report concludes that Regulation 12 requiring local authorities to meet the waste hierarchy for all wastes it is responsible for has been met, and that:

- The collection system operated by Ribble Valley Borough Council ensures a high yield of material is collected through kerbside collections.
- Paper and cardboard are kept separate from other materials so the quality of the material is good and it goes for closed loop recycling. Therefore the current method is permitted under these Regulations.
- Plastics and metals can be easily separated at the Farington Material Recycling Facility (FMRF) to achieve a good quality material that meets closed loop reprocessor`s specifications. Therefore the current collection method is permitted under these Regulations.
- The separate collection of glass is unlikely to facilitate recovery but it would improve the amount of glass that could be closed loop recycled. The TEEP test shows that whilst it is technically practicable to introduce separate collection it is neither environmentally practicable due to an increase of carbon dioxide emissions by 364 tonnes per annum nor economically practicable due to capital costs of £337,543 and ongoing revenue costs of £290,533.

Separate collection of glass at the kerbside is not environmentally or economically practicable and therefore the current kerbside collection method is permitted under these Regulations.

3.10 Step 5 requires an official sign off by both the Director of Community Services and Head of Legal and Democratic Services who have both read and approved the assessment. Additionally sign off should include Committee approval. Members should also note that the authority is committed to reviewing this assessment process in the event of key triggers which would include the following:

- Waste collection contract procurement.
- Substantial variations to existing collection systems.
- Significant changes to the MRF at Leyland Waste Technology Park.
- Significant changes to material waste streams.
- Significant changes to the arrangements for delivery of segregated waste streams for treatment.
- New information which is likely to affect the overall conclusion of this assessment.

4 RISK ASSESSMENT

4.1 The approval of this report may have the following implications:

- Resources – No changes to the current service is being suggested and as such no additional resources are required.
- Technical, Environmental and Legal – The Environment Agency has been given the regulatory role to see that the legislation is applied. They have the authority to ensure that each authority comply and can in the worst cases intervene and impose changes to collection systems. However, the overall conclusion of the assessment is that this authority is satisfied that we are compliant with the Regulations
- Political – No implications identified
- Reputation – No implications identified
- Equality & Diversity – No implications identified.

5 RECOMMENDED THAT COMMITTEE

5.1 Note the report.

5.2 Endorse the outcome of the TEEP assessment.

5.3 Endorses the continuation of the current household waste and recycling collection service.

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WASTE MANAGEMENT OFFICER

JOHN HEAP
DIRECTOR OF COMMUNITY SERVICES

BACKGROUND PAPERS

General Report for Community Service Committee 02/09/2014

Waste Management Files

For further information please ask for Peter McGeorge, extension 4467.

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