

12 November 2014

**Compliance with the Waste Framework Directive and Waste
Regulations 2011- Recycling Collections and Material Streams**

Ward(s) All

Portfolio: Cllr Jeavons - Environment and Transport

Executive Summary:

The purpose of this report is to inform the panel that the Council is required to meet the requirements of the European Commission's Waste Framework Directive (WFD) and Waste Regulation 2011 in relation to recycling collections and material streams.

The WFD includes a target that separate kerbside collections of paper, glass, cans and plastic must be implemented by January 2015. Walsall do not carry out separate collections but collect mixed (co-mingled) materials at the kerbside in a 240 litre wheeled bin.

The UK's interpretation is that comingled recycling collections comply with the WFD providing it can be evidenced that separate collections are not technically, environmentally and / or economically practicable (TEEP) and a high quality recycle can still be achieved.

Re-assessment of compliance with WFD and TEEP requirements must be carried out if significant changes to waste collection and disposal arrangements are planned. For example:

- New refuse collection vehicle fleet.
- New waste containers.
- Procuring new waste treatment contracts.
- Service changes.

In 2015/16 the following planned changes will each trigger a review of compliance with WFD and TEEP requirements;

- Procurement of the Treatment, Recycling and Final Disposal of Municipal Waste Contract
- Proposed collection service change to Alternate Weekly Collections (AWC's)
- Proposed introduction of a charge for garden waste collections
- Proposed changes to the opening hours of Household Waste Recycling Centres

(HWRC's)

Reason for scrutiny:

To inform the panel that the Council is required to meet the requirements of the European Commission's Waste Framework Directive (WFD) and Waste Regulation 2011 in relation to recycling collections and material streams.

To inform the panel of Walsall Council's Statement of Compliance with Waste Framework Directive, Waste Regulation 2011 and TEEP Requirements (Appendix 1) outlining the Council's justification for continuing with co-mingled recycling collections rather than implementing separate collections of recyclables.

To inform the panel of the need to review compliance with TEEP when the changes outlined above are implemented. This may change how the service is delivered in the future.

Report Detail:

The European Commission's Waste Framework Directive includes a target that separate kerbside collection of paper, glass, cans and plastic must be implemented by January 2015.

The UK Government transposed the Waste Framework Directive into UK law through the Waste Regulation (England and Wales) 2011, which came into force on 1 October 2012. The purpose of the legislation is to improve the quality of both the materials sent for re-processing and the end product.

The UK's interpretation of the Waste Framework Directive was that comingled recycling collections comply with the Waste Framework Directive providing it can be evidenced that separate collections are not technically, environmentally and economically practicable (TEEP) and a high quality recyclate can still be achieved.

Earlier this year, the campaign for Real Recycling instigated a Judicial Review in order to challenge the UK's interpretation of WFD. The outcome of the Judicial Review supported co-mingled collections. It suggests that although kerbside sorting of recycling materials could be considered the desired solution for high quality recycling materials, co-mingled recycling collection is acceptable, provided authorities have assessed that kerbside sorting is either;

- Not necessary to ensure the appropriate quality of material for its intended end use (i.e. this can be achieved by the recycling re-processor using modern material recovery technology to ensure recovered materials are of the required quality).
- A TEEP review evidences it is not practicable to carry out kerbside sorting.

All local authorities must analyse and assess available evidence in order to satisfy

themselves that they meet the requirements of the regulations and are TEEP compliant when making decisions about the provision of waste collection and disposal arrangements. To help local authorities decide whether collection and disposal arrangements meet TEEP requirements set out in the Waste Framework Directive a working group of comprising Waste Recycling Action Programme (WRAP), London Waste and Recycling Board (LWARB) and the Waste Network Chairs (WNC) assisted by environmental consultants Eunomia developed a route map.

Currently Walsall do not carry out separate collections but collect mixed (co-mingled) materials at the kerbside in a 240 litre wheeled bin on a fortnightly basis.

The Council has a contract until March 2016 with Casepak for the reprocessing of co-mingled recycling at their Material Recycling Facility (MRF) in Leicester. This is a state of the art facility, which opened in October 2011.

Walsall has utilised the route map mentioned above to ensure that the authority is TEEP compliant by January 2015. Officers are satisfied that current arrangements will provide quality products that will satisfy TEEP requirements. Appendix 1 contains Walsall's Statement of Compliance with Waste Framework Directive, Waste Regulation 2011 and TEEP Requirements, which justifies the reasons for continuing with the current arrangements of co-mingled recycling collections and evidences how the authority achieves TEEP compliance.

Compliance with WFD and TEEP requirements must be re-assessed if significant changes to waste collection and / or disposal arrangements are planned. In 2015/16 the following planned changes will each trigger a review of compliance with WFD and TEEP requirements;

- Procurement of the Treatment, Recycling and Final Disposal of Municipal Waste Contract
- Proposed collection service change to Alternate Weekly Collections (AWC's)
- Proposed introduction of a charge for garden waste collections
- Proposed changes to the opening hours of Household Waste Recycling Centres (HWRC's).

Recommendation:

That the panel notes the Statement of Compliance with Waste Framework Directive, Waste Regulation 2011 and TEEP Requirements (Appendix 1) which contains justification for continuing with the current arrangements for co-mingled recycling collections and evidences how the authority achieves TEEP compliance.

That the panel notes the need to review compliance with TEEP when the changes outlined above are implemented. This may change how the service is delivered in the future.

Background papers:

Appendix 1

Resource and legal considerations:

All authorities must comply with European Commission's Waste Framework Directive (WFD) and Waste Regulation 2011 and TEEP requirements

Citizen impact:

None

Environmental impact:

None

Performance management:

None

Equality Implications:

None

Consultation:

Sandwell, Dudley and Wolverhampton Councils

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Clean and Green Services

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Cabinet – 17th December 2014

Compliance with the Waste Framework Directive and Waste Regulations 2011- Recycling Collections and Material Streams

Portfolio: Environment

Related portfolios: Legal

Service: Clean and Green Services

Wards: All

Key decision: No

Forward plan: Yes

1. Summary

The Council is required to meet the requirements of the European Commission's Waste Framework Directive (WFD) and Waste Regulation 2011 in relation to recycling collections and material streams.

The WFD includes a target that separate kerbside collections of paper, glass, cans and plastic must be implemented by January 2015. Walsall do not carry out separate collections but collect mixed (co-mingled) materials at the kerbside in a 240 litre wheeled bin.

The UK's interpretation is that comingled recycling collections comply with the WFD providing it can be evidenced that separate collections are not technically, environmentally and / or economically practicable (TEEP) and a high quality recyclate can still be achieved.

Re-assessment of compliance with WFD and TEEP requirements must be carried out if significant changes to waste collection and / or disposal arrangements are planned. For example:

- New refuse collection vehicle fleet.

- New waste containers.
- Procuring new waste treatment contracts.
- Service changes.

2. Recommendations

That Cabinet agrees the Statement of Compliance with Waste Framework Directive, Waste Regulation 2011 and TEEP Requirements (Appendix 1) which contains justification for continuing with the current arrangements for co-mingled recycling collections and evidences how the authority achieves TEEP compliance.

That Cabinet note the need to review compliance with TEEP when the changes outlined above are implemented. This may change how the service is delivered in the future.

3. Report detail

The European Commission's Waste Framework Directive includes a target that separate kerbside collection of paper, glass, cans and plastic must be implemented by January 2015.

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- A TEEP review evidences it is not practicable to carry out kerbside sorting.

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Officers are satisfied that current arrangements will provide quality products that will satisfy TEEP requirements. Appendix 1 contains Walsall's Statement of Compliance with Waste Framework Directive, Waste Regulation 2011 and TEEP Requirements, which justifies the reasons for continuing with the current arrangements of co-mingled recycling collections and evidences how the authority achieves TEEP compliance.

Compliance with WFD and TEEP requirements must be re-assessed if significant changes to waste collection and / or disposal arrangements are planned. In 2015/16 the following planned changes will each trigger a review of compliance with WFD and TEEP requirements;

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4. Council priorities

Continuing to collect waste in wheeled bins with lids our streets will remain clean and free from litter generating greater pride and a sense of community for local people supporting the Councils priority of *'Creating Safe, Sustainable and Inclusive Communities'*

5. Risk management

There is some risk of challenge under the EU Waste Framework Directive if our co-mingled collections fail to comply with TEEP required standards.

The key risk is if the quality standard of co-mingled material is not high enough. The main factor affecting quality of recycling material is the level of contamination. It is important that contamination levels in materials sent for re-processing are managed at

an acceptable level. For these reasons continued education and encouragement with our residents and landlords may be necessary to control the risk of challenge.

Potentially this could lead to the re-introduction of kerbside sorted collections.

6. Financial implications

None arising at this time providing co-mingled collections deliver the required quality of recyclable material. Any future service changes will trigger a further TEEP review that may have financial implications.

7. Legal implications

The legislation will be enforced by the Environment Agency who will take enforcement action where necessary.

8. Property implications

None arising from this report

9. Health and wellbeing implications

None arising from this report

10. Staffing implications

None arising from this report

11. Equality implications

None arising from this report

12. Consultation

Sandwell, Dudley and Wolverhampton Councils

Background papers

Appendix 1

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Neighbourhoods

XX December 2014

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Portfolio holder
Environment and Transport

XX December 2014

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