

The Highland Council

**Transport, Environmental and Community Services Committee
17 January 2013**

Agenda Item	
Report No	

Scottish Government's Consultation on the "Recyclate Quality Action Plan"

Report by Director of Transport, Environmental and Community Services

Summary

This report invites Members to approve the Council's response to the Scottish Government's consultation on the "Recyclate Quality Action Plan"

1. Background

- 1.1 Over the last five years the Scottish Government has refined and clarified its Zero Waste policy through consultations, plans and finally legislation, in part in response to the revision of the Waste Framework Directive.
- 1.2 This latest consultation forms part of a series of documents whose purpose is to give the sector clear guidance on how to meet the requirements of the Waste (Scotland) Regulations 2012.
- 1.3 Responses to the Consultation were due to be returned by the 28 December 2012. A draft response has been sent on the basis that TECS Committee will consider the Council's response on 17 January 2013 and submit any amendments following the Committee.
- 1.4 The Council's response to the Consultation is contained in **Appendix A**.

2. Recyclate Quality Action Plan

2.1 The plan's objectives are to:

- Drive up recyclate quality;
- Provide greater transparency around the quality of recyclate
- Help those contracting with materials recycling facilities (MRF) to understand what is required of them
- Ensure compliance with the Waste (Scotland) regulations 2012
- Stimulate a home market for quality recyclate
- Reduce issues with the Waste Shipment Regulations

2.2 The plan focuses on action in three areas which can affect recyclate quality some details of which are given in turn below:

- Collection systems and input contamination (4 actions)
- Sorting facilities – material sampling and transparency (5 actions)
- Material quality benchmarking and standards (4 actions)

3. Collection and Source Segregation

3.1 The most important aspects of the guidance relating to the Council are contained in the collection and source segregation summary section given we do not currently have a Materials Recycling Facility (MRF); although as a contracting authority significant procurement issues will arise due to the actions in the other two sections listed above.

3.2 The plan re-produces a table from the Duty of Care guidance which details collection and storage systems which meet (and do not meet) the regulations:

Collection Type	Description	Compatibility with Duties in Waste (Scotland) Regulations 2012
Separate Collection	Each of the dry recyclables separated at source into discrete streams for collection and processing. Includes kerbside sort systems.	This system is most likely to result in material which can go forward for “high quality” recycling
Partially Co-mingled (Highland Council’s method)	Some dry recyclables presented together for collection (eg cans and plastic bottles) for subsequent separation at a MRF.	Acceptable only where separation results in the material which is of comparable quality to separately collected material and which go forward for “high quality” recycling
Fully Co-mingled	All of the dry recyclables including paper and glass presented and collected together in one container and vehicle for subsequent separation at a MRF.	Unlikely to be acceptable. Paper and glass from these systems are likely to be of significantly lower quality than if separately collected and with significant proportions unlikely to be of sufficient quality for “high quality” recycling

Survival Bags	Some dry recyclables placed into a sealed, durable bag and collected in the same container and compacted in the same vehicle as residual waste.	Acceptable only where separation results in material which can go forward for “high quality” recycling.
Residual Waste Sorting	Removal of recyclable materials from mixed municipal waste.	Not compliant with the duty, although treatment of residual waste may still yield material for recycling.

3.3 The four Actions relate to linking quality with the waste hierarchy through guidance documents and getting a clear message through to householders and business on how to use the various collection systems thereby reducing contamination. These projects will be led by Zero Waste Scotland and SEPA.

4. Sorting Facilities: Material Sampling Transparency

4.1 The Scottish Government is concerned that because of the lack of a standard way of identifying and specifying the output quality of Materials Recycling Facilities (MRF), reprocessors may only be willing to pay less (than they otherwise might) for materials. This in turn may result in less investment on the part of the MRF operator to provide high quality recyclate as they will not receive the necessary return with which to invest.

4.2 Consequently the Scottish Government is proposing a statutory based Code of Practice which would introduce a testing regime across the sector.

4.3 The results of the regime would be submitted quarterly to SEPA and would be available to re-processors and collection agents, including local authorities, and the public.

5. Material Quality Benchmarking and Grading

5.1 The Waste (Scotland) Regulations 2012 permit dry recyclables to be co-mingled provided the materials so collected are of comparable quality to those collected separately.

5.2 This section of the plan attempts to map out a way in which government can obtain information on the quality of our waste streams which will enable it to prove the case; and to provide the market with information which may provide a grading system and a benchmark of the “typical amount of contamination generated by a fully segregated collection system”.

5.3 Two other issues are dealt with in the plan:

- Zero Waste Scotland will put in place a “Market Development Capital Grant programme for Priority Resource Streams in Scotland”; and

- SEPA will use the information on the quality of recyclate to help improve the regulation around the export of recyclables to third countries.

6. Implications

- 6.1 There are no resource implications arising from this report.
- 6.2 There are no legal implications arising from this report.
- 6.3 There are no equality implications arising from this report.
- 6.4 There are no climate change implications arising from this report.
- 6.5 There are no risk implications arising from this report.

7. Recommendation

- 7.1 Members are invited to approve the Council's response to the Scottish Government's consultation on "Recyclate Quality Action Plan", as contained in **Appendix A**.

Designation: Director of Transport, Environmental and Community Services

Date: 21 December 2012

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Scottish Government's Consultation on the "Recyclate Quality Action Plan"

Response from the Highland Council

Consultation Questions (Italics) & Draft Answers

1. *Do you support our proposals to improve transparency in testing and reporting of MRF inputs and outputs?*

The principles of making information such as this public are to be commended. However we as a public authority are not wholly clear on how the market will view this from their commercial basis. It is also likely to be used by some in the media to criticise Councils.

2. *Do you agree with the scope of the Code of Practice and do you agree that it should be made mandatory?*

There is little point in having a voluntary Code of Practice therefore if the decision is to have one then it should be mandatory. The more serious question is however in determining whether or not a Code is applicable at all and if so at what cost (which relates to the burdens contained in the Code)? This system seems to be an attempt at plugging a regulatory gap that may not in fact exist. Before committing, the Council would urge the Scottish Government to examine the existing regulatory framework to ensure that the missing information could not be obtained through the WML/PPC regime. In terms of outputs – there already exists a "market mechanism" and it is not clear how the proposals will necessarily change this at ground level.

3. *Do you have a view on how best to make test results available to those that need to see them?*

Again there are a number of mechanisms in place which enable information to be gleaned by those who need it. This Council would however support better information on its "input quality" given we think it is very high but have to accept an average contamination level from the operator which reflects the contamination from multiple waste suppliers. Nevertheless the proposals do increase the bureaucracy around operations and the government before proceeding must be sure that it improves the current situation or a situation where existing regulation is robustly applied; and the costs of the proposal are slight when compared with the benefits.

If they are to be made available to the public then publication on the internet would seem the obvious way forward.

4. *Do you support the proposals for creating a transparent approach to benchmarking separate collection systems to support compliance with the Waste (Scotland) Regulations 2012 ? If not what alternatives do you consider could fulfil a similar role?*

This is perhaps the most important question in the consultation but its real import is hidden by the notion of benchmarking. As stated above Councils appear well able to move their co-mingled recyclate on in the current market. To date there has been no market failure and if resource depletion follows current thinking then there should be little chance of it occurring in the medium to long term. Therefore what purpose is benchmarking likely to serve? One result might be that a benchmark is set and a Council or Councils on some occasions fall below it – what then?

Scotland has improved its recycling performance beyond all expectations over the last decade and we are now hopefully entering a period of stability. It would be unfortunate if additional checks and balances were introduced which had a regressive effect.

5. *Do you support the development of a recyclate quality grading system for key material streams? If not, what alternative do you believe would support clearer contracting and specifications for materials?*

The statements to the previous questions apply equally well to this, namely: what benefit will it bring over current practice (and existing regulation, quality assurance systems and specifications), at what cost, and is there a current market demand for such a scheme?

6. *Do you have views on any other proposals the Scottish Government should consider to improve the quality of materials and support continued investment in closed loop systems for materials in Scotland?*

The Government is to be commended for the efforts it has made into clarifying its view on the implementation of zero waste.

The reality is that Scotland's Councils have responded to the extent that household recycling rates are reaching levels unimagined only a few years ago.

However the guidance and proposals contained in this and ancillary documents tread a well-worn-path, namely that of paper, plastic (bottles) card, glass and cans. Both collection and markets for these materials are mature. If recycling is to continue its upward trajectory then more time and effort must be spent on the less attractive (but both voluminous and weighty) items such as mixed papers including envelopes, plastic film, and food packaging. It is these materials that are the most common contaminants and which present the biggest risk in terms of "quality recyclate". Tackle these in a co-ordinated and systematic manner and the question of "quality" of the main recyclables becomes irrelevant.

Finally the tenor of the paper on part co-mingled collections is understandable given the Waste Framework Directive's wording. However, this Council has had experience now of both box and bin collections. The current debates and policy direction ignore a number of salient facts:

Firstly, the definition of “separate collections” includes kerbside sort systems. What is the difference in mixing dry recyclables in a box or bag as opposed to a bin?

Secondly, where is the evidence that pre-supposes that kerbside sort as a matter of fact produces “high quality” recyclate – where contaminated waste is left in the box hardly provides a firm foundation for the success of it as a system;

Thirdly, the views of the public and business are not known as systems are inevitably chosen for them. Thus there is little evidence on which systems these sectors prefer and would use if given the choice. Our experience though anecdotal would suggest that bins are the preferred choice and as a result produce greater participation.