

From: Matthew Balfour, Cabinet Member – Environment & Transport
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To: Environment & Transport Cabinet Committee – 16 September 2015

Subject: **Waste Regulations 2011 assessment**

Non-Key decision

Classification: **Unrestricted**

Past Pathway of Paper: None

Future Pathway of Paper: To be included with future Waste Strategy reporting.

Electoral Division: All (as this applies to the Household Waste Recycling Centre service).

Summary: This paper provides an overview of a Technically Environmentally and Economically Practicable (TEEP) assessment required for legal compliance under Waste Regulations 2011 (amended 2012).

Recommendation:

The Cabinet Committee is asked to note and comment upon KCC's level of compliance with Waste Regulations 2011 (amended 2012) TEEP Assessment requirement, and note that further service enhancements will be considered through the waste strategy development (see further paper on this Cabinet Committee).

1. Introduction

- 1.1 This report has been produced to inform Cabinet Committee of KCC's obligation and current position with regards to certain waste legislation and required assessments.
- 1.2 The report details key elements and recommendations including risks following an assessment of KCC's legislative compliance with the Waste Regulations 2011 (amended 2012).
- 1.3 There is a specific requirement under Waste Regulation 13 to collect glass, paper, metal and plastic separately from each other and other wastes, to increase the quantity of waste for recycling and quality of recycled material (by lowering the level of contamination).
- 1.4 Local authority recycling activities must be assessed as being Technically Environmentally and Economically Practicable (TEEP). In a local authority context TEEP is primarily applicable to Waste Collection Authorities (district councils), however, KCC considers it best practice to undertake its own TEEP assessment in relation to material collection at Household Waste Recycling Centres (HWRCs).

- 1.5 TEEP has become the all-encompassing term referring to actions required to comply with several pieces of EU and UK waste legislation.
- 1.6 TEEP represents low risk to KCC as many materials are already separated across the Kent HWRC network.
- 1.7 The assessment undertaken considered the implications of Waste Regulation 13 with respect to KCC's collection operations at its 18 HWRCs and concluded KCC's TEEP position is strong with regard to compliance with waste legislation.

2. Detail

- 2.1 The assessment applied the best practice approach set out in Waste Resources Action Programme's (WRAP's) Waste Regulations Route Map, in order to assess whether separate collections of the four materials are likely to be necessary and practicable at KCC's HWRC's, and therefore required under Regulation 13.
- 2.2 KCC's TEEP assessment supported by external support has found that its current position is considered compliant with the waste legislation, however several relatively modest actions for consideration were identified in the report to facilitate maximum compliance with TEEP.

It should be noted that materials identified for further investigation (namely sheet glass, dense plastic and newspaper), are all subcategories of the primary materials and the Regulations do not specifically state these should be separated.

- 2.3 The table below lists actions for further consideration and each has been RAG rated:

Key:

Red: Ideally these materials would be further separated, however site by site assessments and research are required to decide if it is TEEP to do so.

Amber: Current services are considered compliant but could be maximised further.

Green: Current services are compliant.

HWRC Material Type	Sub category	Is further separation at HWRCs 'necessary' to comply with legislation?	Is it TEEP to do a separate collection?	Proposed action for KCC to consider
Plastic	Hard plastics (toys etc.)	Yes – not currently collected as a recycling stream	Yes	Hard plastics are the highest priority and may gain net income as landfill costs are avoided, subject to finding suitable outlet(s). Plastic bottles and packaging do not need to be
	Plastic bottles* & packaging *Not currently collected at HWRCs	Yes	No. High costs and low quantities due to kerbside collections	

HWRC Material Type	Sub category	Is further separation at HWRCs 'necessary' to comply with legislation?	Is it TEEP to do a separate collection?	Proposed action for KCC to consider
				collected at HWRCs. <i>See 2.4 below</i>
Paper	Newspaper/ magazines	Yes – currently collected as mixed paper and card and not a discreet waste stream	Possibly at some HWRCs No - environmentally	Look at practicality of separating paper from card at some HWRCs. There may be a small net financial benefit. The need for 'paper' to be separate from 'card' is not absolute in legislation. <i>See 2.4 below</i>
	Mixed paper & card	Already collected – card forms the majority of the paper/card mix	Yes – economically. No – environmentally Practicability to be further assessed	
Metal	Food and drinks cans	No – further separation would not improve recovery		There may be scope to move higher amounts of metal items up the waste hierarchy to re-use rather than recycling. Further assessment required <i>See 2.4 below</i>
	Mixed metal	No – already collected and sent for high quality recycling		
	Items for re-use	Bicycles are currently collected at some sites. There may be scope to include other items		
Glass	Bottles	No – already collected separately		Look at practicability of separating sheet glass with HWRC contractors <i>See 2.4 below</i>
	Sheet Glass	Yes	Possibly – economically, environmentally, practicability to be assessed further	

2.4 It is Waste Management's intention to assess further the viability of these suggestions on a site by site basis as part of the forthcoming Waste Strategy development

2.5 District Council services will be taken into consideration as part of this thinking, as many of the specified materials are already collected at the kerbside, which are also subject to TEEP assessments.

2.6 At the present time metal, paper and glass are collected separately at each of the 18 HWRC's. Material ownership for 12 of the sites lies with KCC's provider Biffa Municipal and KCC will work with them to support TEEP requirements and ensure a continuous dialogue is maintained.

- 2.7 It is a requirement of the regulations for local authorities to regularly review their TEEP position. KCC will develop a process for re-evaluation to ensure continuing compliance. Progress will be assessed on an annual basis, whilst being proactive to possible opportunities such as new procurements, changes to outlets, legislation or government issued guidance etc. TEEP will also be included in the evaluation of tender submissions for new HWRC contracts.

3. Financial Implications

- 3.1 Where there may be some scope for potential cost efficiencies for some of the proposed actions, a holistic assessment must be conducted to include environmental and logistical impacts, e.g. vehicle movements.
- 3.2 The Environment Agency is responsible for enforcing these regulations and has powers to issue a £5k fine to any local authority failing to comply with the law.
- 3.3 KCC is in a strong compliant position and therefore risk of this fine and non-compliance with the law is low.

4. Legal implications

- 4.1 KCC has a statutory duty to provide HWRCs in accordance with the Environmental Protection Act 1990 (EPA), and therefore a duty to comply with all relevant subsequent legislation.
- 4.2 Key Waste Legislation is noted below:

Year	Legislation & Guides
2008	Revised EU Waste Development Framework Directive 2008/98/EC
2011	Waste Regulations England and Wales 2011
2012 (Oct)	Waste Regulations England and Wales (amendment)
2013	Judicial review of DEFRA and Welsh assembly
2014 (Feb)	MRF Regulations (Materials Recycling Facility)
2014 (Dec)	Environment Agency Briefing Note (Separate collections)
2015 (Jan)	Start date quoted in the above regulations

5. Equalities implications

- 5.1 As part of the waste strategy development, any changes to services will be subject to a full Equalities Impact Assessment (EqIA) including considerations noted in table 2.3 above.

6. Other corporate implications

- 6.1 At the current time, no impacts have been identified.

7. Conclusions

- 7.1 KCC's management of HWRC's is currently operating to a high standard in accordance with TEEP and is compliant.

- 7.2 It should be noted that the materials identified for further investigation, namely sheet glass, other dense plastic and newspaper, are all subcategories of the primary materials listed in the Regulations. Material subcategories are not required to be separated, however, if separation could improve or facilitate additional recovery then this may be considered.

8. Recommendation(s):

- 8.1 The Cabinet Committee is asked to note and comment upon KCC's level of compliance with Waste Regulations 2011(amended 2012) TEEP Assessment requirement, and note that further service enhancements to be considered through the waste strategy development (see further paper on this agenda).

9. Background Documents

- 9.1 KCC TEEP Assessment Executive Summary (The main assessment is commercially confidential).

10. Contact details

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