

Consultation Response Form

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Question 1. Are the definitions contained in the draft Recycling, Preparation for Re-use and Composting Targets (Definitions) (Wales) Order 2011 clear and unambiguous?

The definition of "prepare for re-use" differs from the one contained in the revised Waste Framework Directive.

From the rWFD:

Article 3(13) of the rWFD defines "re-use" as meaning:-

"any operation by which products or components that are not waste are used again for the same purpose for which they were conceived".

Article 3(16) of the rWFD defines "preparing for re-use" as meaning:-

"checking, cleaning or repairing recovery operations, by which products or components of products that have become waste are prepared so that they can be re-used without any further processing".

The definition in this Order includes an additional requirement that the products must be sold or donated. We believe that having two differing definitions adds unnecessary complexity and that the terminology in the Order needs to be "actually re-used" rather than "prepare for re-use".

Question 2. Are the arrangements for monitoring and the arrangements for penalties contained in the draft Recycling, Preparation for Re-use and Composting Targets (Monitoring and Penalties) (Wales) Regulations 2011 clear and unambiguous?

Yes.

At what point does the material stop being municipal waste? If source separated and commingled collections are mixed at reprocessor stage, any rejects are likely to be apportioned equally between both collection methods. This could prove to be a

disincentive to source separating systems if the benefit of lower contamination rates are not passed on to the relevant LA's.

Question 3. Are there any wastes that should be added to the list of local authority municipal wastes?

No

Question 4. Are there any additions or changes that should be made to the guidance on the definitions of recycling?

It is not always easy to get details of end destinations and prompt reports etc from contractors. Reprocessors may state that they are unable to provide the required details due to competitive confidentiality. Additionally they do not have any statutory requirements or timetable to provide such information. So, some of the responsibility for getting the information from contractors/reprocessors etc should lie with the EA i.e. providing the required information, and in the depth required, should also be part of waste management licensing conditions.

Question 5. Are there any additions or changes that should be made to the guidance on the definitions of preparation for re-use?

The definition "prepare for reuse" differs from the one included in the rWFD. Perhaps the term should be "fully reused" - if a product has been repaired/refurbished and sits in a showroom then it is not considered "prepare for reuse" until it is sold, when it clearly has been.

Question 6. Are there any additions or changes that should be made to the guidance on the definitions of composting?

No

Question 7. Do you agree with the quality criteria suggested for the composting (and anaerobic digestion) of source segregated biodegradable wastes? If not please indicate in what way quality criteria should be applied and to which wastes they should apply.

This will possibly rule out any small scale community compost operations that do produce perfectly adequate compost, though not certified PAS100. It may also rule out local schemes that are not certified meaning increased transportation costs and emissions. It could result in local authorities withdrawing support for such schemes in the future, and going against WAG priorities in developing local community schemes.

The certification scheme is quite expensive:

The certification assessment fee is £1,250 plus VAT for exempt site or £1,300 for a fully permitted site. This does not include the cost of testing the compost, which, during the first year of certification, is usually around another £1,200.

It will also rule out the possibility of counting home composting towards targets that has been mooted, and may be something that in future could prove useful.

Question 8. Are there any additions or changes that should be made to the guidance regarding the requirements on the Environment Agency as appointed Monitoring Authority?

No

Question 9. Are there any additions or changes that should be made to the guidance regarding the requirements on local authorities?

No

Question 10. Are there any additions or changes that should be made to the guidance regarding penalties due under these Regulations?

No

Question 11. Is there any additional guidance that should be included?

No

Question 12. Are there any additions or changes that should be made to the Penalties Protocol?

Whilst it says in P1 of the Draft Penalties Protocol that the protocol "does not apply to any penalties for the late or inaccurate submission of data", P5 bullet point 3 contradicts this. Some clarification is required.

If you have any related issues which we have not specifically addressed, please use this space to report them:

Please enter here:

What support will WAG be giving to local authorities in order for them to cope with the extra reporting requirements - admin time/staff (at a time when all LAs are facing cuts to both financial and human resources)? The regulations will require reporting on a much wider range of activities than previously, but the financial/resources impact of this does not seem to have been included in the consultation document at all.

Are WAG also supporting planning for the infrastructure needed to support LA`s meeting the regulatory targets, e.g via planning policy that is geared toward supporting the smaller scale, and localised infrastructure required at the higher-end of the waste hierarchy, for example preparation for reuse, and reuse facilities, and planning for source segregation of materials in all new developments as well as for larger scale infrastructure projects?

The additional requirements for materials to count as reused, recycled and composted at final destinations will introduce significant time lag for reporting for a range of materials. This could result in uneven reporting of recycling tonnages.

Responses to consultations may be made public – on the internet or in a report. If you would prefer your response to be kept confidential, please tick here:
