

Local Authority Recycling Advisory Committee
Response to the Biowastes and Sludges Draft discussion Document (15-16
January 2004)

1. *In order to provide a “**driver effect**” for local authorities and the concerned industry, it should be evaluated whether an obligation of separate collection of the biowaste fraction of MSW should be introduced across the EU, or recycling targets should be set (to be evaluated whether in percentage of total biowaste production or in absolute terms), or none of the above, if the diversion targets of the Landfill Directive are considered to be sufficient.*

1a In principle measures that reduce biowaste at source (home composting/community composting) (Annex II, paragraphs 1,2) are welcomed as the optimum solution to biodegradable household waste recognizing the impracticalities for a significant portion of the population

Measures that promote the source separation of biodegradable household waste for composting (Annex II, paragraph 4) are welcomed subject to our concern that the efficient cost free collection of organic material from householders results in the overall quantity of organic material being collected and transported often increasing thereby potentially negating some of the environmental benefits of composting.

2 *Compost should be considered a product only if it has been produced from separately collected biowaste and that it could be **envisaged introducing certain technical specification for MBT-treated biowaste to be landfilled**, in such a way that stabilised biowaste would not be considered actively biodegradable any more. When these conditions, which should refer to residual fermentability, are fulfilled, the landfilling of such MBT-treated biowaste should not count against the targets of Article 5 of the Landfill Directive 1999/31/EC 37*

2a We welcome the move to standardisation of labeling and product description however, although it may be fair to define an end material made from MBT as stabilised biowaste, the material may be suitable for certain applications as a product and not just to be landfilled. There are two important principles here:

- The principle of "fit for purpose" should always be applied, and not a doctrine, for example: "if it is made using MBT or MSW then it cannot be defined as a product".
- We should look for recovery of value from waste materials if at all possible (e.g. preparation of a material suitable for landscaping would be better than landfilling a stabilised biowaste).

3 *It could be envisaged to consider that separately collected biowaste being subject to a defined composting process resulting in the production of a high quality compost meeting specified quality standards has undergone a recovery operation in the sense of operation R3 (“Recycling/reclamation of organic substances which are not used as solvents (including composting and other biological transformation processes)”) in Annex IIB to Directive 75/442/EEC 35 Hence, the use of compost would not be subject to Directive 75/442/EEC.*

3a We welcome the classification under R3 combined with product standards and the suggestion that classification of composts and stabilised biowastes is undertaken according to levels of impurities and nutrients (could include requirements for sampling and inspection regimes) (Annex II, paragraphs 12, 13, 15)

4 *The land spreading of stabilised biowaste produced from mechanical /biological treatment (MBT) of mixed MSW or residual waste can potentially present the same problems and opportunities of the landspreading of sewage sludge. In the long run, it can hardly be subject to any improvement of quality, as contamination does not come primarily from point sources as in the case of sludge. To avoid any confusion with compost produced from separately collected waste, **the residue from MBT should not be called “compost”**. Its application should be restricted only to land where food and feed crops are not cultivated, e.g. for landscaping purposes.*

4a We note the following counter argument to this assertion. Measures are proposed for reducing the amount of pollutants (heavy metals and organic compounds) that end up in the sewer (Annex I, p17, Paragraph 8). The same applies for pollutants that end up in MSW, for example by better product design (e.g. batteries, minimising heavy metals), withdrawal of harmful products from the market (e.g. creosote, pesticides) and/or better separation of harmful substances at source, through better informed and motivated householders. Together with the development of better technology, this means that the quality of stabilised biowaste made from MSW composting and MBT is likely to improve as well as the quality of sewage sludge. Measures should be introduced engendering Increased producer responsibility and consumer awareness because this both encourages waste minimisation and recycling and also affects the quality of residual waste.

5 *It could be envisaged introducing certain technical specifications for **MBT-treated biowaste to be landfilled**, in such a way that stabilised biowaste would not be considered actively biodegradable any more. When these conditions, which should refer to residual fermentability, are fulfilled, the landfilling of such MBT-treated biowaste should not count against the targets of Article 5 of the Landfill Directive 1999/31/EC 37.*

5a Subject to our response 2a we would tentatively agree with the counting of MBT residue as not counting against the targets of Article 5 of the Landfill Directive 1999/31/EC 37 subject to the detailed definition of residual fermentability.

6 *Moreover, in the fourth recital of the Regulation, it is said that the Regulation should not affect the application of existing environmental legislation or hinder the development of new rules on environmental protection, particularly as regards biodegradable waste. In this regard, the Commission has given a commitment that by the end of the year 2004 a Directive on biowaste, including catering waste, will be prepared with the aim of establishing rules on safe use, recovery, recycling and disposal of this waste and of controlling potential contamination.*

6a Harmonisation of the regulatory regime in relation to risks and definitions are essential for the waste sector and LARAC welcomes the commitment to an early production of a harmonising regulation.