

AGENDA ITEM 4**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL****CABINET****22nd JANUARY 2015****COLLECTION OF DRY RECYCLABLES AND THE IMPACT OF THE WASTE (ENGLAND AND WALES) (AMENDED) REGULATIONS 2012****REPORT OF THE GROUP DIRECTOR CORPORATE & FRONTLINE SERVICES****Author: Mr Nigel Wheeler, Director of Highways and Streetcare Services
01443 827707****1. PURPOSE OF THE REPORT**

- 1.1 To provide Cabinet with an update in relation to changes in waste management legislation and the potential impact on the current method of collecting dry recyclable material throughout the County Borough.
- 1.2 To advise the Cabinet that it is prudent for the Council to make a documented decision on the continuation of the current method of collecting dry recyclables following the 1st January 2015 implementation date.

2. RECOMMENDATIONS

- 2.1 It is recommended that:-

'Based on information currently available to council officers it is determined that the Council's existing method of collecting dry recyclables is compliant with the 2012 Regulations. In this respect the Council's existing scheme of collecting dry recyclables together can continue unaltered following implementation of the regulations, albeit subject to periodic review.'

- 2.2 Officers of the Authority are instructed to continue to work with Welsh Government to gather further evidence in relation to compliance with the Regulations and to undertake modelling of other collection methodologies that could be employed as a potential alternative.

3. SUMMARY

- 3.1 This report sets out the requirement for UK councils to make a documented decision on whether or not their method of collecting the four main recyclable materials (glass, metal, paper and plastic) is compliant the Waste (England and Wales) (amendment) Regulations 2012. Members are advised that there

has been much debate nationally in relation to the extent of which, both municipal and commercial waste collectors should separate these materials.

- 3.2 On the basis of the limited information currently available to council officers, it has been concluded that the current collection method employed by the Council is compliant with the 2012 Regulations. There is currently an absence of clear evidence to support the notion that a switch to a separate collection regime, is 'necessary' to facilitate the recovery of the 4 main materials types. There is however some evidence to suggest that changing to a more complex recycling collection strategy could reduce participation and thus the overall rate of recycling. Officers understand this to be a common position amongst Welsh Local Authorities.
- 3.3 There is a distinct lack of guidance from either Welsh Government or DEFRA in relation to the interpretation of the regulations. Welsh Government did issue draft statutory guidance in summer 2014, however at the time of writing there has been no response to consultations and no formal guidance has been issued. Officers have made the best interpretation of the Regulations in the absence of any formal guidance.
- 3.4 It has been determined that the most prudent course of action for the Council and its members would be to document an initial decision pending a further review in 2015. At this time further guidance and information is likely to be available to aid the council in making future decisions regarding recycling collections.
- 3.5 It is important to note that Welsh Government have a clear preference for separate collection of the four main types of recyclable materials. This is described in their Collections Blueprint and constitutes separation of materials by the householder and collection in multi-compartment vehicles.
- 3.6 The likelihood of legal challenge in relation to the Council's decision to continue the collection of recyclable materials using a comingled strategy is thought to be low. The response to the 2012 Regulations, as now proposed has been adopted by many Authorities throughout England and Wales.

4. BACKGROUND

- 4.1 Members may be aware that throughout the United Kingdom (UK), waste collection authorities have adopted different methodologies for the collection of recyclable materials such as glass, metal, paper and plastic. These collection methodologies typically fall into two categories: '*comingled*' or '*kerbside sorting*'.

Co-mingled Collection Vrs Kerbside Sorting

- 4.2 In a similar fashion to the service currently provided by this Council, many UK councils provide a comingled recycling collection service. This typically involves the collection of the 4 main material types (glass, metal, paper and plastic) in a single stream (i.e. mixed together or 'comingled') with subsequent

separation at a Materials Recycling Facility (MRF) resulting in an income being received from the sale of these items. Since the inception of recycling collections within Rhondda Cynon Taf, the majority of this sorting has been carried out at the council's MRF at Bryn Pica, Aberdare. This facility now provides employment for around 100 individuals.

- 4.3 At the other end of the spectrum some authorities provide multiple receptacles to the householder, requiring them to split their recycling into varying degrees of segregation. Multi-compartment vehicles are then required in order to collect the recyclable materials, with Collection Operatives undertaking a further degree of sorting at the kerbside.
- 4.4 Kerbside sorting in this manner negates most of the requirements for sorting at a MRF and would essentially make the Council's facility at Bryn Pica redundant. Materials separated at the kerbside can be bulked up immediately after collection and sent for re-processing, generating an income stream.
- 4.5 According to a Welsh Government Environment and Sustainability Committee report (Oct-14), of the 22 Welsh Local Authorities:
- 9 provide a comingled collection (including Rhondda Cynon Taf, Cardiff, Caerphilly and Monmouth).
 - 9 currently provide or are intended to provide (in 2015), a kerbside sorting collection system (including Bridgend, Newport, Torfaen).
 - 4 currently provide a hybrid of the two.
- 4.6 Recently both Merthyr Tydfil and Blaenau Gwent Councils have swapped, or are in the process of swapping their collection method from comingled to kerbside sort. This has been done with financial assistance from Welsh Government through the Collaborative Change Programme (CCP).

The Waste (England and Wales) (Amendment) Regulations 2012

- 4.7 The Revised EU Waste Framework Directive (2008/98/EC) aims to promote waste prevention, more recycling and better use of resources whilst protecting human health and the environment. This directive was transposed into UK Law through the implementation of the Waste (England and Wales) Regulations 2011 (S.I. 2011 No. 988). These regulations were laid before Parliament and the Welsh Assembly and came into force from 29 March 2011.
- 4.8 Subsequent Judicial Review proceedings were brought in relation to the way the 2011 Regulations transposed the requirements of the European Directive. The challenge related to the requirement for separate collection of waste (dealt with in Articles 10 and 11 of that Directive).
- 4.9 Revisions were made to the Regulations as a result of Judicial Review and the resulting Waste (England and Wales) (Amendment) Regulations 2012 were laid before Parliament and the Welsh Assembly on 19 July 2012 and came into force on 1 October 2012.

- 4.10 The amendments to the regulations relate to the separate collection of waste. They amend the Waste (England and Wales) Regulations 2011 by replacing regulation 13 as follows:

'From 1 January 2015, waste collection authorities must collect waste paper, metal, plastic and glass separately.'

It also imposes a duty on waste collection authorities, from that date, when making arrangements for the collection of such waste, to ensure that those arrangements are by way of separate collection.'

These duties apply where separate collection is necessary to ensure that waste undergoes recovery operations in accordance with the directive and to facilitate or improve recovery; and where it is technically, environmentally and economically practicable.

- 4.11 The interpretation of these regulations has led to a two stage test which can be applied to determine whether or not a waste collection authority is legally bound to collect the four main recyclable materials separately. This runs as follows:

The Necessity Test:

Is separate collection of the four main material types (glass, metal, paper and plastic) necessary to facilitate recovery?

Technically, Environmentally and Economically Practical:

If so, is it technically, environmentally and economically practical to do so?

- 4.12 If the answer to both of these questions is yes then UK waste collection authorities have a legal duty to separately collect the four main recyclable materials.

5. EVIDENCING THE DECISION

- 5.1 The requirement 'to facilitate or improve recovery' has been interpreted as being measured in terms of both the quantity and quality of recyclable materials collected and processed by the Council. Officers have undertaken a review of the current recycling service in respect of the quantity of recycling collected and the overall quality of the material following sorting at the Council's Materials Recycling Facility.

Quantity of Recycling

- 5.2 The amount of recyclable material collected and processed by the Council's comingled recycling service can be considered to be result of two key considerations:

- Public Participation
- Efficiency of Processing

- 5.3 The collection of waste and recycling is closely monitored in the UK with data on volumes and types of materials collected and processed being reported to the regulating authority (Natural Resources Wales). This data is available to officers and allows them to compare performance between waste collection authorities. This information has been reviewed in an attempt to gauge the potential difference in overall recycling yield produced by the two alternative schemes. Table 1 (below) provides an analysis of the recycling yield (in kg per household, per year) for the top 5 'comingling' Councils in Wales, versus the top 5 Councils which provide a 'kerbside sort' collection.

Table 1 A comparison of the top 5 Welsh Local Authorities providing a comingled recycling collection service and the top 5 providing a kerbside sorting service.

Top 5 Comingling Council	Recycling per Household per Year (kg)		Top 5 Kerbside Sort Council	Recycling per Household per Year (kg)	
	2012-2013	2013-2014		2012-2013	2013-2014
Caerphilly CBC	300	240	Bridgend CBC	200	180
Denbighshire CBC	250	260	Flintshire CC	200	200
Blaenau Gwent CBC	240	240	Isle of Anglesey CC	180	170
Cardiff City Council	240	240	Torfaen* / Conwy**	180*	180**
Monmouthshire	240	280	Newport City Council	170	160
Average:	250	250	Average:	190	180

- 5.4 The above analysis suggests that recycling collection schemes operated using the kerbside sorting methodology produces around 24% less material by weight than those operating using a comingled collection methodology. It is acknowledged that an element of the comingled recycling material is rejected following processing. This reject rate can be as high as 15% for typical Materials Recycling Facilities.
- 5.5 Allowing for materials rejected at the recycling centre at a rate of 15% (typical maximum), the overall reduction that could be expected when switching from a comingled collection scheme to a kerbside sorting collection scheme is anticipated to be around 11%.
- 5.6 Taken in isolation, the above evidence suggests that a switch from comingled collection of recycling to a kerbside sorting methodology would not 'facilitate' an increase in the recovery of the main recyclable materials.
- 5.7 The above analysis is supported by work undertaken by Caerphilly CBC with actual data from a switch of collection method from kerbside sorting to comingled collection in 2009/10. The total amount of recycling collected by Caerphilly CBC during 2010/11 increased to 17,600 Tonnes compared to the 9600 Tonnes collected in 2009/10.

- 5.8 Any potential reduction in the overall volume of recycling collected by the Council may have financial implications. Alternative disposal measures can cost in the range of £80 to £100 per Tonne, compared to £55 per Tonne for recycling. In the case that the Council did incur a circa 11% reduction in the amount of recycling material collected, it could expect to incur additional annual disposal costs in the range £68,000 to £122,500. This would need to be considered in the wider context of service costs, should the council decide to change its current collection methodology.

Quality of Recycling

- 5.9 It is generally accepted that the quality of recyclable materials collected through kerbside sorting is higher than those processed from comingled collections. However in many cases material from both collection methodologies end up at the same destination. This issue is currently being analysed by the Wales Resource Action Programme (WRAP) through their 'End Destination Report', which should be available for review in mid 2015.
- 5.10 Glass, metal, paper and plastic separated at the Council's Materials Recycling Facility is regularly tested to determine its quality. Table 2 illustrates the percentage of target materials sampled in outgoing material stream, during the period 01.10.14 to 30.11.14.

Table 2

Outgoing Material Stream	Target Material (% by weight)
Glass	95%
Steel Cans	93%
Aluminium Cans	97%
Mixed Paper / Card	97%
Cardboard	96%
Mixed Plastics	92%
Plastic Film	85%

- 5.11 The extent to which the employment of a kerbside sorting collection methodology would improve on the quality of the above materials generated within Rhondda Cynon Taf is somewhat unknown. Further work is required to determine if any potential improvement in quality would be sufficient to offset the potential reduction in material volumes likely to result.

6. FUTURE REVIEWS

6.1 In reviewing the evidence available to them, officers have determined that the Council does not need to alter its existing recycling collection scheme at the current time. The Cabinet is advised that there are certain gaps in the information required to make this decision on a long term basis. These gaps include:

- Formal guidance from Welsh Government.
- WRAP's End Destination Report.
- Further data from testing materials in Materials Recycling Facilities.
- Observations / lessons from Merthyr and Blaenau Gwent.

6.2 It is therefore recommended that this matter be kept under close review over the next twelve months. If it transpires that the Council does need to make significant changes to its recycling collection service, it is acknowledged that this will need to be done in a phased manner and with extensive consultation.

7. FINANCIAL IMPLICATIONS

7.1 Costs associated with any potential service change have not been modelled at this time. Welsh Government suggests that operational costs associated with kerbside sorting are lower than for comingled. This may not be the case given the demographics of Rhondda Cynon Taf and would need detailed consideration. It is recommended that officers undertake modelling of the potential Capital and Operational Costs associated with a potential switch to Welsh Government's preferred collection blueprint for recycling.

7.2 Any such change would require extensive Capital Investment, a proportion of which could be supported by Welsh Government, as has been the case in both Merthyr Tydfil and Blaenau Gwent CBCs.

8. PERSONNEL IMPLICATIONS

8.1 This report does not make any recommendations for changes to the Council's recycling services. In this respect no personnel implications are envisaged.

8.2 Members are advised that in the case that the authority does need to change its collection methodology to 'kerbside sorting', this could result in a significant increase in the number of recycling drivers / operatives required to deliver the service. In contrast, the change would also result in a loss of circa 100 jobs at the Council's Materials Recycling Facility in Aberdare.

9. CONCLUSION

- 9.1 At the current time it has been determined that the 'kerbside sorting' method of collecting recyclable materials is not necessary to facilitate recovery within Rhondda Cynon Taf.
- 9.2 It is recognised that this will need to be reviewed as further information regarding the quality and quantity of recycling produced in Wales is made available. Furthermore, members are advised that a consideration of the service in respect of the 2012 Regulations will need to be undertaken as part of any key decisions regarding the service (e.g. investment in new collection infrastructure).
- 9.3 This conclusion has been drawn from the likelihood that the overall yield of recyclable material captured by comingled collections in Wales has been shown to be greater than that for kerbside sorting. In this respect it cannot be implied that separate collection would facilitate greater recovery of the four main recyclable materials, particularly in Rhondda Cynon Taf where public participation has been a challenge.
- 9.4 At the current time officers are unable to provide a detailed comparison of the quality of the recyclable material arising from the two different collection methods. However, initial results of testing undertaken at Council's Materials Recycling Facility indicate that individual recycling streams contain a high percentage of target material (e.g. paper in the region of 97% target material).
- 9.5 Members are advised of the risk that the Authority may be challenged over its decision to continue to favour comingled recycling collections over the kerbside sorting methodology. The likelihood of this is thought to be low as many UK Authorities have adopted a similar position. In the case that a challenge is made, the Council will be able to demonstrate that it has reviewed all information available at the time of implementation and thus has acted diligently in its decision.
