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Waste and Resource Efficiency Division
Welsh Government
3rd Floor, South Wing
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Our ref:
Your ref: WG19064

Date: 2nd October 2013

Dear Russell,

Response to Third stage consultation on guidance in support of The Recycling, Preparation for Re-use and Composting Targets (Definitions) (Wales) Order 2011 Regulations 4 and 5 of The Recycling, Preparation for Re-use and Composting Targets (Monitoring and Penalties) (Wales) Regulations 2011, made under the Waste (Wales) Measure 2010.

General Observations

From 1st April Natural Resources Wales brought together the work of the Countryside Council for Wales, Environment Agency Wales and Forestry Commission Wales, as well as some functions of Welsh Government. Our purpose is to ensure that the natural resources of Wales are sustainably maintained, used and enhanced, now and in the future.

Natural Resources Wales is the designated monitoring authority for the Local Authority Recovery Targets (LART). We work with Welsh local authorities to identify and report the end destinations of the waste that they collect, so that only materials actually recycled, prepared for re-use or composted are included in the calculation of their recovery rates. Welsh Government guidance is important in providing clarity on what waste types and waste management activities may count towards LART. Therefore, we are supportive that final guidance is published as soon as possible.

Consultation Question

Does the final draft Guidance need any changes? If so what changes should be made, and why?

We note that the following has been removed from the scope of the draft final guidance:

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- The use of End of Waste (EoW) criteria to define products, materials and substances.
- The consequences of de-watering digestate produced by anaerobic digestion (AD), including calculation of recovery rates.
- The apportionment of recovery in respect of Anaerobic Digestion and energy from waste (EfW) facilities that receive materials from municipal and non-municipal sources.
- Extending the period of reporting to WasteDataFlow.

We agree that all of the above require further consideration, work and clarity. We would welcome the opportunity to work with Welsh Government in taking this forward. We would also recommend that extending the reporting period of WasteDataFlow is considered as a priority following feedback that we have received from Welsh local authorities expressing difficulties in obtaining all data and supporting information in line with current reporting timescales. Finally, we recommend that clarification on end of waste (EoW) requirements are clarified with us and issued to local authorities as soon as possible, especially in advising on the scheme year that these requirements are likely to commence and any interim arrangements. This is required to assist local authorities with managing intermediate and long term contracts and planning for achieving future compliance.

Please find specific recommendations for changes to the final draft guidance in Table 1 below.

If you have any queries regarding this consultation response please contact John Fry at john.fry@naturalresourceswales.gov.uk.

Yours sincerely



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Table 1 – Recommended amendments to the final draft guidance

Reference	Recommended amendment	Reason
3.1.9 (p7)	<p>Heading is changed from “Clinical Wastes” to “Clinical and Hygiene wastes”.</p> <p>“Clinical” is added to the first paragraph so that it reads “Any clinical waste produced...”</p> <p>Reference to “Environmental Protect Act” amended to “Environmental Protection Act” in the second paragraph</p>	<p>To provide clarity on terminology used.</p> <p>To provide clarity and fully distinguish the difference between clinical wastes (first paragraph) and hygiene wastes (second paragraph).</p> <p>Typographical amendment</p>
3.2.1(p8-9)	<p>The last paragraph in reference to end of waste for IBA, APCR and ‘Definition of Waste Panel’ is removed.</p>	<p>There are currently no Quality Protocols for IBA and APCR and this may be the case for future years as well. This specific reference to end of waste criteria is also inconsistent and confusing because references to end of waste have been removed for all other material types whilst Welsh Government considers further work on clarifying the use of end of waste criteria. Therefore, we recommend that IBA and APCR are included with all other material types in the production of additional clarification for applying the use of End of Waste (EoW) criteria for LART purposes. Also, NRW does not have an end of waste panel to receive or make decisions for any end of waste applications.</p>

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3.2.3 (p9)	We recommend that “The definition of composting and anaerobic digestion” section makes specific reference to compost-like output. It is recommended that compost-like output is defined in the guidance and clarity provided as to what types could be counted for the purposes of LART.	To provide clarification for local authorities that “compost” and “compost-like output” are different and to outline if there are any circumstances where compost-like outputs produced from mixed municipal sources could count in LART scheme years. This clarification is sought whilst end of waste (EoW) criteria to define products, materials and substances is developed to assist NRW with monitoring local authority compliance in interim LART scheme years.
3.3.7 (p10-11)	<p>The heading is amended to read “Clinical and Hygiene wastes”</p> <p>Recommend that the first paragraph and non-municipal waste code reference is removed and replaced with the following text: “Some hygiene waste may be recycled. The principal example of this is absorbent hygiene products (AHP) such as nappies and incontinence pads.”</p>	<p>To correspond with 3.1.9 recommendation above.</p> <p>This simplifies the text and reduces the risk of mixing up the definitions for clinical waste and healthcare waste which should be considered as separate and distinct.</p>
3.3.8 (p11)	The road sweepings and gully wastes recycling guidance is amended to maintain consistency with the definition in 3.1.10.	There is a difference in terminology used in the paragraph (street sweepings and leaf fall) compared to the heading (road sweepings and gully wastes). The reference to leaf fall should be removed since this is one specific compositional element of street sweepings and

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	More clarity is required in terms of how the organic fraction of road sweepings could be 'composted' in compliance with both LART and regulatory requirements.	gully waste as opposed to a separate waste stream. Road sweepings is a mixed waste stream containing potentially hazardous elements. Local Authorities require updated clarification as to how all the elements of road sweepings and gully waste could be recovered for LART within current regulatory requirements. Therefore we recommend that NRW works with Welsh Government to update road sweepings and gully waste joint government/regulatory advice for Welsh local authorities as soon as possible.
3.39 (p11)	The following sentence is recommended to add to this section in the guidance: "For wood waste to count towards the Local Authority Recovery targets it must be recovered through suitable outlets depending on whether it is treated or untreated in accordance with regulatory guidance."	This is required in the guidance to clarify that 'treated' wood waste must not be used in 'untreated' wood reprocessing recovery operations. For example, only untreated wood waste is considered suitable for composting.
4.2 (p12)	Wording for the second end destination bullet point is amended	The wording suggests that energy recovery would be the end destination but this is not the case for all tonnages since there could be subsequent landfill or recovery of IBA and metals following energy recovery and incineration without energy recovery.

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	The third end destination bullet point should also make reference to energy recovery	Some exported local authority waste is recovered for energy abroad such as Refuse Derived Fuel.
4.3 (p14)	“disposa” is amended to “disposal” and “thence” is amended to “then”	Typographical amendments
4.3 (p16)	The monitoring authority website link is removed from the guidance and replaced with the following text: “Further guidance on sampling procedures may be obtained from the Monitoring Authority”	We are in the process of developing our website and this reference to the Environment Agency website is likely to change in the near future. Therefore replacing with the suggested text would ensure that this reference does not become obsolete.
4.4 (p16)	The Third paragraph needs to clarify that only tonnage entered against “Final Destination LAS & SRT compliant ” is included in the total recovery sum	WasteDataFlow has two end destinations categories in Question 100. Those entered against the “ <u>Non</u> -LAS & SRT compliant” are <u>not</u> included in the calculation of local authority recovery rates.

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