



Policy and Resources Committee – 19 January 2015

Implications of the new Waste Regulations (England and Wales) 2012 and the application of the Technical, Economic and Environmentally Practicable (TEEP) test

Purpose of report: To inform members of the outcomes of the work completed to test compliance with the Waste Regulations (England and Wales) 2012.

Attachment(s)

None

1.0 Background

- 1.1 The Waste (England and Wales) Regulations 2011 transposed the Waste Framework Directive into English law and imposed duties on waste collection authorities and waste disposal authorities to follow the waste hierarchy in relation to the collection of waste and the handling of collected waste.
- 1.2 This means that collection authorities and disposal authorities are now under a duty to "take all such measures available to it as are reasonable in the circumstances" to apply the waste hierarchy. Should a collection authority or disposal authority not comply with this duty it will commit an offence. With regard to these regulations East Northamptonshire Council holds the statutory duty to provide waste collection services in the District.
- 1.3 The waste hierarchy ranks waste management options according to what is best for the environment. It gives top priority to preventing waste in the first place. If waste is not produced then it does not have to be disposed of. When waste is produced, it gives precedence to preparing it for reuse, then recycling, then recovery, and last of all disposal.
- 1.4 Regulations previously stated that the co-mingled collection of waste paper, plastic or metal, being separate from residual waste, could be regarded as separate collection. The change means that from 1 January 2015 recyclable items will need to be collected separately (and co-mingled collections will not be allowed), provided this is 'technically, environmentally and economically practicable'.
- 1.5 Regulations requires that, from 1 January 2015, a collection authority or disposal authority must "take all such measures available to it as are reasonable in the circumstances" to ensure that any waste paper, metal, plastic or metal which has been collected separately is not then mixed with other waste.
- 1.6 Collection authorities and disposal authorities need to consider whether they must make changes to their current systems to ensure that by 1 January 2015 separately collected waste is not being co-mingled. Failure to comply with this requirement is an offence.
- 1.7 In light of the changes to the regulations it is now necessary to apply the 'technically, environmentally and economically practicable'(TEEP) test to existing waste collections where paper, plastic, metal and glass are collected together or 'co-mingled'. East Northamptonshire collections are subject to the TEEP test.

- 1.8 In April 2014, a national working group comprising members of local authority waste networks (coordinated through the Waste Network Chairs), the London Waste and Recycling Board (LWARB), and the Waste & Resources Action Programme (WRAP) came together to address the lack of information on the application of the regulations and produced the 'Waste Regulations Route Map'. This was intended for use by waste services providers to demonstrate compliance with the regulations in terms of providing evidence of whether or not their collections meet the TEEP test and therefore if changes are required to services.
- 1.9 In order to comply with the regulations, a joint working group was convened through the Northamptonshire Waste Partnership to allow officers to pool knowledge and resources to complete this piece of work.

2.0 Overview of the process

- 2.1 Information regarding the current collection method was analysed to take account of the following
- How is the disposal of the material currently managed?
 - Where does it sit on the waste hierarchy?
 - Are measures being taken to make sure it is as high up the hierarchy as possible?
 - Where material is going through a Material Recycling Facility, what is the quality of each output stream?
 - How much of the material is recycled?
 - Where energy recovery is used, how efficient is the process?
 - What are the gate fees for each stream?
 - Any other constraints (e.g. minimum tonnages)
- 2.2 The current ENC collection system has been modelled in order to evaluate its performance against a set of evaluation criteria designed to take account of the guidance given when considering the technical, environmental and economic practicability of making changes to waste collection.

3.0 Evaluation outcomes

- 3.1 Evaluation of the existing service and the case studies have shown that the existing service scores the highest when combining evaluated scores under the following headings.
- Total cost
 - Position in the waste hierarchy
 - Carbon produced
 - Material capture rates
 - Performance indicators
- 3.2 The ranks achieved were
Existing service (Alternate weekly co-mingled and weekly food waste contained in bins) – 88.6%
Case study two (Full kerbside sort with weekly collections) – 86.69%
Case study one (Weekly black sacks and weekly collection of paper and card, plastic bottles, glass in boxes) – 83.1%
- 3.3 The evaluation utilised similar numbers of properties/collections for comparative purposes from both the existing service and case studies. This means that factors like cost and carbon will be compared on a like for like basis.
- 3.4 It is also worth noting that, when considering the cost differential between the existing service and case study two, the existing service is approximately 40% cheaper than case study two.

4.0 Equality and Diversity Considerations

4.1 There are no equality and diversity considerations as a result of this report.

5.0 Legal implications

5.1 Failure to comply with the Waste Regulations is an offence. Under Regulation 42 the sanction in the event of summary conviction is a fine of £5000, and if convicted on indictment the sanction is an unlimited fine.

6.0 Risk Management

6.1 Failure to complete the analysis of the Council's current collection methods would leave this Authority exposed to risks in relation to

- Failure of its statutory duties.
- Damage to Reputation
- Financial sanctions

6.2 The Environment Agency will be responsible for enforcing this legislation and this will be on a risk-based regulatory regime where authorities will be deemed high, medium or low risk.

Under the EA proposed risk- based regulatory regime East Northamptonshire would initially fall into the Medium risk category on the basis that co-mingled recyclables are sent to a materials recycling facility (MRF). (This is on the basis that a MRF is providing poor quality recyclables. Our current MRF operator, Pure, regularly tests the quality of recyclables and the council can demonstrate the efforts put in place to maintain a good quality of recyclable material.) With these mitigating factors it is expected that the residual risk will be assessed as low.

7.0 Financial Management

7.1 Any changes required to the collection methods as a result of the TEEP analysis will incur additional cost to the Council in terms of its waste collection services. It is unlikely that the existing resources could be redeployed in such a manner as to facilitate separate collections of paper, glass, metal and plastic, or any combination of those.

7.2 Additional infrastructure would be required and this may take the form of additional containers, vehicles and collection personnel.

7.3 Officers are also mindful of the ongoing discussions between the collection authorities and Northamptonshire County Council (the disposal authority) with regard to the proposals to save £7m from their waste disposal arrangements contained in the NCC draft budget. This may have a significant bearing on the future compliance with TEEP and the arrangements for any future waste collection contracts.

7.4 The Council recognises the significant risk of the financial implications of potential TEEP changes. The assumption in the Council's MTFS is that any financial pressure arising from any change would be ideally be managed by changes to the waste collection service. However, such changes may not cover all the cost implications, in which case additional consideration within the MTFS would be required.

8.0 Corporate Outcomes

8.1 The following corporate outcomes are impacted by the proposal:


- **Good Quality of Life - Sustainable** – the provision of good waste management services which minimise the material sent to landfill.

- **Good value for money** – the provision of services which are affordable.
- **Strong community leadership** – enabling residents to make good choices when it comes to waste management in the home.

9.0 Recommendations

9.1 Members are recommended to:-

1. Endorse the evaluation process undertaken by the officer working party.
2. Note the conclusion that there are no changes to the recycling collection system are required at this stage, on the basis that the evaluation shows that the existing collection meets the criteria that it would be neither environmentally or economically practicable to make a change.
3. Approve a further review of the current collection system as part of the procurement of the next waste contract.

Legal	Power: The Waste (England and Wales) Regulations 2011				
	Other considerations:				
Background Papers:					
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