

Response form

Standard Rules consultation No.21

We welcome your views on our consultation on proposed new and revised standard rule sets. Please use this form if you are responding by email or post rather than online.

Please complete the questions and where there is a free text field, give as much information as possible to support your answer.

How we will use your information

The Environment Agency will look to make all responses publicly available during and after the consultation, unless you have specifically requested that we keep your response confidential.

We will not publish names of individuals who respond.

We will also publish a summary of responses on our website in which we will publish the name of the organisation for those responses made on behalf of organisations.

In accordance with the Freedom of Information Act 2000, we may be required to publish your response to this consultation, but will not include any personal information. If you have requested your response to be kept confidential, we may still be required to provide a summary of it.

The Environment Agency is the data controller for the personal data you provide. For further information on how we deal with your personal data please see our Personal Information Charter on gov.uk (<https://www.gov.uk/government/organisations/environment-agency/about/personal-information-charter>) or contact our Data Protection team.

Address: Data Protection team, Environment Agency, Horizon House, Deanery Road, Bristol, BS1 5AH

Email: dataprotection@environment-agency.gov.uk

Returning your response

The consultation will run for approximately **14** weeks from 21 October 2019 to 31 January 2020.

The closing date for responses is 31 January 2020. Any responses we receive after this date will not be included in the analysis.

We would like you to use this form if you are not submitting your response online. You can return it by email to standard-rules@environment-agency.gov.uk using the heading Standard Rules Consultation 21. Please use this email address if you have any questions regarding this consultation.

Or by post to:

Environment Agency

Future Regulation - Permitting (Standard Rules Consultation)

Environment Agency

Horizon House

Deanery Road

Bristol

BS1 5AH

customer service line
03708 506 506

incident hotline
0800 80 70 60

floodline
03459 88 11 88

Section 1: About you

To help us analyse the responses we receive we'd like to understand more about you and type of business you own, operate or represent.

Please tell us if you are responding as an individual or on behalf of an organisation or group.

Please select one answer only from the following options:

- ☐ Responding as an individual
☒ Responding on behalf of an organisation or group
☐ Other

If you're responding on behalf of an organisation or group, please tell us who you are responding on behalf of.

The Recycling Association are a trade association with approximately 100 members. Our members range from small to large independent operators and multi-national companies, many of whom will be affected by these new standards. Our members mainly recovered paper, plastics and metals (cans)

If you selected other, please specify.

Other, please specify

Keeping up to date

The Environment Agency will look to make all responses publicly available after the consultation, unless you have specifically requested that we keep your response confidential.

We will not publish names of individuals who respond.

We will also publish a summary of responses on our website in which we will publish the name of the organisation for those responses made on behalf of organisations.

In accordance with the Freedom of Information Act 2000, we may be required to publish your response to this consultation, but will not include any personal information. If you have requested your response to be kept confidential, we may still be required to provide a summary of it.

Can we publish your response? We will not publish any personal information or parts of your response that will reveal your identity.

☒ Yes

☐ No

If you do not want us to publish your response, you need to tell us why:

Please tell us if you would like to (tick all that apply)

☒ Receive an email acknowledging your response

☒ Receive an email to let you know that the summary of responses has been published

If you have ticked any of the boxes above, please provide us with your email address:

Email: simon.ellin@therecyclingassociation.com

☐ Put a cross in this box if you are requesting non-disclosure of your response. Please provide an explanation to support your request.

Please tell us how you found out about this consultation?

☒ From the Environment Agency

☐ From another organisation

☐ Through an organisation/group/club you're a member of

☐ Local marina

☐ Press article

☐ Social media e.g. Facebook, Twitter

☐ Through a meeting you attended

☐ Other (please specify) _____

Section 2: Your views

customer service line
03708 506 506

incident hotline
0800 80 70 60

floodline
03459 88 11 88

We would like your views on our proposals for three new standard rule sets which we believe will help facilitate the transition from exemptions to environmental permits. We would also like your views on the proposed revisions to two existing standard rule sets.

We particularly want your views on the following questions. Please fill in the sections which are most relevant to you.

Standard Rule SR2019 No5 (treatment of waste paper, cardboard and plastic)

Q1. Do you agree with our approach to use standard rules to cover treatment of waste paper, cardboard and plastic?

Please tick the relevant box

- ☒ Yes
☐ No
☐ I don't know

Please explain your answer

We are wholly supportive of workable standard rules to cover the treatment of recovered paper, cardboard and plastics. We believe that all of members and most operators outside of our membership are compliant operators, but they suffer financially through the illegal operations of others. A fair system which helps to weed out the illegal operators will be supported by our organisation and our members.

However, we believe that some of the new rules contained in the proposed new standard are disproportionate to the risks posed by compliant operators and will unnecessarily punish those whom operate within the law. Some of the new rules are excessive and disproportionate to the risks posed and do not take into account the basic operations and economics that underpin this sector. Indeed, there is a huge risk that the new rules will send many out of business. Rules must reflect and complement good practise on a well-run site and will be prohibitive if they go beyond what is actually required to operate a site using these best practise principles.

In summary, the agency should issue rules that compliment well run sites, not penalise them to the extent they will become economically unviable or go out of business.

Q2. Do you understand the requirements of the proposed standard rules for treatment of waste paper, cardboard and plastic?

Please tick the relevant box

- ☒ Yes
☐ No
☐ I don't know

Please explain your answer

Q3. Do you agree with the requirements of the proposed standard rules for treatment of waste paper, cardboard and plastic?

Please tick the relevant box

- ☐ Yes
- ☒ No
- ☐ I don't know

Please explain your answer

We agree with the principle of competent practises with which to run a recycling operation. These competent practises should be supported by fit for the purpose management systems and staff training that operate within the law and have a negligible impact on the environment per se. We also agree with the principle of the waste hierarchy. There are, however, several areas which we strongly disagree with: -

Particularly at a time when margins within the industry are incredibly tight and will remain so for the foreseeable future, any unnecessary and significant increases in costs or lost revenues for compliant operators should be avoided. To deliver the government's ambitious Resources and Waste Strategy, we will require economically viable processing facilities, most of which will be required to receive increased volumes. The proposed new rules should recognise this and therefore the 75,000 tonne limit per annum (1500 tonnes per week) should be re-visited. As outlined above, the industry operates on very small/tight margins and is a volume related business. Operational facilities survive by increasing volumes and if the new rules limit this or indeed adds significant costs to facilities already above this limit, then businesses will face closure. It is possible too that the 75,000 tonnes limit will lead to materials being transported greater distances to be processed if the local facility is not allowed to handle them - this will have a negative environmental impact. We believe that a more appropriate and workable limit to be 120,000 tonnes per annum (2,400 tonnes per week).

We are unclear as to why there is a requirement to store plastics inside - it is assumed this is either to prevent wind-blown material or potential fire risk or a combination of both. Preventing wind-blown materials is infinitely achievable by installing appropriate containment measures such as netting around the site at a suitable height. This is a relatively inexpensive and effective solution and we would support this. Notwithstanding this we strongly believe that the requirement to store plastics inside is unnecessary and goes beyond what is required when there are already Fire Prevention Plans (FPP) in place which cover the storage of materials based on risk. Indeed, it may well be on some sites that the storage of materials is best served outside of the building and based on a risk assessment and in conjunction with the FPP. The one size fits all contained in the standard rules is not appropriate in this industry and, as outlined above, may even create a greater risk.

The requirement that loose materials must be loaded and unloaded within a building - whilst most facilities will bale materials inside, many facilities unload and load materials outside the building, usually due to the height required with which to accommodate a tipper vehicle and also space restrictions. The industry standard required height to unload commercial vehicles is 12 metres which will require significant investment in many cases to increase the height of member's buildings. This, combined with the indoor storage of plastics, will again result in significant costs to the operator which is estimated to be in excess of £5m for Recycling Association members alone. This is very likely to result in the closure of a significant number of facilities, particularly those owned by smaller independent operators. Again, if this is to prevent the spread of windblown material, the containment measures recommended above have proved to be very successful on sites where they are installed appropriately.

The requirement that no materials should be stored for a maximum of 28 days. Several special grades of material and often the higher value grades will require greater than 28 days to build up a full load before onward sale. Storage can be covered on a risk basis and existing FPPs. Using our experience of the time required to build a full load, we would recommend extending this to a storage time of 3 months.

Q4. Please let us know what you think would prevent people from using the proposed rule set for treatment for waste paper, cardboard and plastic:

The costs of implementing all the conditions contained in the proposed rule set are prohibitive when balanced against the environmental and health and safety risks of doing so. Our members operate very tight margin businesses, many of whom may already be on the cusp of closure. As forecasted volumes increase, the new rules and/or the costs of a bespoke permit are likely to tip many businesses over the edge and out of business. This will mean that targets are missed and the objectives contained in the RWS are unattainable.

Q5. Do you agree that the waste quantity limits are viable for the treatment of waste paper, cardboard and plastic?

Please tick the relevant box

- ☐ Yes
☒ No
☐ I don't know

Please explain your answer

No. As explained in Q3, several of the requirements appear to be arbitrary. The recovered paper market often faces prolonged periods of restricted markets with low prices and with the added difficulty of selling some grades of materials. Many facilities will have to carry higher stocks of materials than usual and their ability to do so must be balanced against their own risk assessments as opposed to a rigid limit which seems somewhat arbitrary and certainly too low - a sensible compromise could be reached as suggested above. This will meet the regulator's requirements whilst allowing a more workable solution for industry.

Q6. Do you agree that the waste storage duration limits provide a viable throughput for treatment of waste paper, cardboard and plastic?

Please tick the relevant box

In normal market conditions, they are generally acceptable for most grades of paper. However, as outlined in Q5, and in the context of increasingly restricted markets, it is almost inevitable that some materials will need to be stored for longer than 28 days. If a 28 day limit is imposed, some materials will either have to go into expensive outside storage, be burnt, or landfilled. A 28 day storage limit is simply not practicable and will have serious financial and environmental consequences as well as the likelihood of the UK missing targets. In January 2020, many facilities are storing mixed papers (the type collected by local councils) for longer than 28 days because there are currently very restricted markets for the material.

Similarly, paper and plastics are stored and sold by grade (type). It can take several months sometimes to store a full load of some grades. These are often the higher value/higher margin grades which are often crucial to the commercial viability of a facility. Again, some flexibility is required.

We believe a 3 month limit would be more complimentary to the industry.

- ☐ Yes
☒ No
☐ I don't know

Please explain your answer

Q7. Do you believe the requirements for having certain activities carried out within a building proportionate to the pollution risks?

Please tick the relevant box

- ☐ Yes
☒ No
☐ I don't know

Please explain your answer

As already explained, if less costly measures are put in place outside the building with which to contain windblown material then the pollution risk can be contained. Loading and unloading loose material inside a building is therefore unnecessary when balanced against risk. Any modifications to buildings to accommodate tipper trucks will be prohibitively expensive and will undoubtedly lead to business closures.

Similarly, there is no logic attached to storing plastics inside a building. It will not contain fumes from a fire, is likely to cause more damage in a fire and there are significant ignition risks inside the building too. The storage of plastics is adequately covered in the site's FPP.

Q8. Please list any other types of treatment or processing activities that you believe should be included in the treatment of waste paper, cardboard and plastic rule set:

None

Q9. Do you agree that the right waste codes have been listed for the treatment of waste paper, cardboard, plastic?

Please tick the relevant box

- ☐ Yes
☒ No
☐ I don't know

Please explain your answer. If you ticked no, please let us know which ones to include and why.

We think the following should be included:-

150101; 191201; 200101; - Paper

020104; 191204; 200139 - Plastics

Q10. Would the exclusion distances from receptors prevent you from finding a site from which to operate?

Please tick the relevant box

☒ Yes

☐ No

☐ I don't know

Please explain your answer

Many urban and inner-city facilities in particular may already be close to underground water courses and therefore the requirement to be more than 10m from a water course could be prohibitive for some. Many of these sites, which are already in place, operate under exemption and the costs to become a permitted site or to even re-locate, again could result in the site ceasing operation.

Q11. Please let us know your views on our proposals for operating techniques in Table 2.4, relating to the site's surfacing and drainage requirements, and where different types of waste can be stored or treated:

We don't have any significant objections to the operating techniques outlined in Table 2.4 other than those already outlined in this document with particular concerns over the unloading and loading of loose materials inside a building.

Q12. An alternative option for the operating techniques would be to require all wastes to be stored and treated on an impermeable surface with a sealed drainage system at all times. Would you support this option? If so, why?

Please tick the relevant box

☐ Yes

☒ No

☐ I don't know

Please explain your answer

Again, this should be a site by site risk-based approach. Although many sites already have a hard standing and sealed drainage system, it seems unnecessary to operate a blanket approach on sites where the risks of compromising local groundwater are negligible. Again, we must avoid unnecessary costs.

Q13. Do you intend to apply for a treatment of waste paper, cardboard and plastic standard rule set when published?

Please tick the relevant box

☐ Yes

☒ No

☐ I don't know

Please explain your answer

N/A - we are a trade association.

Q14. Do you think the introduction of the new standard rules or the revisions to the existing standard rule sets will have a significant financial impact overall on your business?

Please tick the relevant box

☒ Yes

☐ No

☐ I don't know

Please explain your answer

A site ostensibly has 3 choices - adopt a standard set of rules, apply for a bespoke license or close the site. All options have a potentially significant financial impact.

The Recycling Association wholly supports a standard set of rules and the prevention of illegal waste management activities. However, it must be recognised that most sites operate within the law using best practise in an increasingly regulated industry. Implementing a one size fits all approach with some unnecessary and prohibitive requirements enshrined in a standard set of rules on sites that pose a de minimis environmental risk, will make many of those sites uncompetitive and will lead to the threat of closure. The new rules will benefit the larger operators and will lead to closures and to the erosion of competition.

We must ensure that the illegal activities of the few do not negatively impact the activities of the majority, to the degree that compliant operators must close their sites.