



Friends of the Earth Scotland Consultation Response

Implementing Scotland's Zero Waste Plan

March 2011

Friends of the Earth Scotland welcomes the opportunity to comment on the proposals in the Scottish Government's Consultation 'Implementing Scotland's Zero Waste Plan: Regulatory Measures to Require Separate Collection of Waste Materials, and Restrict Disposal in Landfill and Input to Energy from Waste Facilities.

Friends of the Earth Scotland is an independent Scottish charity with a network of thousands of supporters and active local groups across Scotland. We are part of the largest grassroots environmental network in the world, uniting over 2 million supporters, 77 national member groups, and some 5,000 local activist groups - covering every continent.

The change of mindset indicated in the consultation document that there is a need for everyone to view waste as a resource is welcome, but Friends of the Earth Scotland would add that that resource is not one that should be exploited or assumed to be infinite. We would suggest that Scottish Government need to consider the upstream as well as downstream causes of waste and the resource implications for how the item in question became 'waste'. Thinking of waste as a resource is a good first step but considering why we produce waste at all would be a better one. We do need to understand better waste production and means of prevention as well as managing waste according to its resource value.

That said, we welcome the commitment to legislating in this area, and agree that a clear signal is essential and that the statutory approach is a necessity.

We also welcome the fact that the document acknowledges the waste hierarchy and the necessity of prevention. We would suggest however that this recognition fails to be carried through the entire document. For instance, in discussing Energy from Waste (EfW) the document suggests that EfW should be used only to recover value from resources that cannot offer greater environmental and economic benefits through reuse or recycling. Whilst we agree with this statement, we would also propose that analysis of where that waste came from and if it could be prevented be undertaken in order to fully prioritise prevention rather than resource gathering through reuse and recycling.

Equally, the rhetoric that "diverting waste from landfill is not always the same as recycling" is only part of the story. Waste prevention needs to be as much a part of the overall strategy as the shift from landfill diversion to high levels of closed loop recycling.

Segregation

Whilst recognising the difficulties associated with segregation, we would argue that all recyclate should not only be presented separately but also that all streams should be separated, not just food waste. Contamination frequently devalues recyclate material, which makes it in direct contrast to the objectives in this document. The best way to avoid such contamination *and* increase understanding of what kinds of waste we produce and how we might reuse or reduce that waste is to have separate disposal of each form of waste.

Indeed, the learning that could be applied from separating waste is, we feel, key to achieving a Zero Waste Scotland. Operators who collect food waste separately have found that the volume of waste presented decreases over time, likely because of increased awareness of the quantities involved. We

would suggest that this kind of learning about reduction be a central element of the move to separation.

Incineration

We agree that “EfW is truly sustainable only if the waste which is burnt could not have been reused or recycled.” We would add that it must include heat capture as well as electricity generation, should be small-scale, and should not be approved if the “fuel” required to produce the energy could be prevented in any way, and not just through reusing or recycling.

We absolutely agree therefore with the statement in section 9.1 about residual treatment infrastructure not locking Scotland in to supplying EfW plants with large quantities of waste in order to generate energy. If Scotland truly moves to zero waste will there still be ‘fuel’ for these incinerators? This long-term perspective must be implemented and only as much incinerator plant allowed and approved as is genuinely able to be fed by the very end amounts of residual waste that are envisaged. In reality this probably means restricting development to small scale, heat led proposals.

Residual waste

We would raise the question of whether the definition of residual waste is sufficient. “Subject to all reasonably practicable efforts to extract recyclable material” provides, in our view, a very broad scope for subjectivity. We would also be interested in investigations into other efforts to avoid residual waste other than extracting recyclate. (For instance, analysing the residual waste, tracing it’s upstream journey, and working out avoidance methods).

Timeline

We welcome the approach set out in the proposed timeline but would (unsurprisingly) suggest it be applied faster. We agree with the acknowledgement that landfill / incineration bans have to be complemented by a requirement to sort if they are to deliver results. Therefore, we would suggest introducing these simultaneously would be the optimum method of delivering on the outlined objectives. We would support both requirements being introduced in 2013.

SEPA’s role and powers

SEPA’s powers around waste management must be strong enough to enforce the proposals. We would be keen to see clarification on how permits will be monitored with regard to permit conditions making it an offence for landfill operators to accept segregated waste. We would also seek reassurance with regard to SEPA’s resource, both human and financial, to monitor day-to-day operations and their power to enforce, especially given the removal of the 25% cap.

Additionally we would seek a stricter definition of “periodical” audits by SEPA of residual waste suppliers. How often is periodical? We would also be keen for punishments for an offence under the PPC Regulations to be strict and proportionate to the damage caused, environmentally and economically. We would also be interested in full disclosure and publication of the actions that individuals and communities can take if they feel environmental damage has been caused by breach of any of the regulations under discussion.

Conclusion

Friends of the Earth Scotland has long promoted the waste hierarchy and the necessity of prioritising prevention. We acknowledge the progress that is being made in Scotland towards achieving zero waste targets, and welcome the proposals in this consultation paper.

Segregation of waste streams is essential, not just to making the most of the resource, but not helping us identify waste production and reduce it. We should not introduce waste disposal measures at this juncture which do not factor in the transition to a zero waste Scotland.

If the proposals outlined are to be effective, SEPA must have the necessary resource and powers.

To answer directly the questions in the consultation paper (this is additional to the above response):

Q1. Are there any other materials or waste streams which should be included in these requirements to sort and separately collect?

WEEE waste, as mentioned in passing in the consultation, should be included in requirements to sort and separate. Thought may also wish to be given to waste kitchen oil.

Q2. Food waste is required to be presented in a dedicated container. Are there any other recyclable materials which should be sorted and presented separately for collection in a dedicated container?

As noted above Friends of the Earth Scotland would prefer if all waste streams could be separated.

Q3. Do consultees have any comments on the new draft Duty of Care Code of Practice?

N/A

Q4. Do consultees consider that Government should mandate more specifically what actions waste collection authorities must take to improve recycling of waste from households? If so, what are they?

Friends of the Earth Scotland believe that improved transparency about the recycling journey would improve household waste recycling. Government could consider asking waste collection authorities to provide public information materials of this sort.

Q5. What additional measures, if any, should Government consider in order to oblige householders to recycle?

Friends of the Earth Scotland support the introduction of household waste charging for non-recycled waste. We also support the Government using the powers in the Climate Change (Scotland) Act for deposit schemes.

Q6. Do consultees agree that banning the listed materials accompanied by a “requirement to sort” will be effective in achieving high recycling rates? If not, what additional or alternative measures could be adopted?

We do agree, but would add that the measures should be introduced simultaneously.

Q7. Do consultees consider that banning the listed materials accompanied by a requirement to sort will help support investment in the infrastructure required to achieve high recycling rates?

Yes, and strict penalty fines administered by SEPA for failure to meet the requirements, with those fines being provided in grants or loans for smaller companies to improve infrastructure, would go even further.

Q8. What pre-treatment do consultees consider is necessary in order to ensure that only residual waste is managed in EfW facilities?

We would suggest that every available effort be made to eliminate residual waste and that analysis of the upstream waste production be undertaken to identify policy and practical measures which could be introduced to assist in eliminating residual waste.

Q9. Do consultees agree that this is an appropriate measure to prevent overprovision of residual waste management infrastructure?

It is appropriate but not sufficient. Additional waste prevention measures further upstream must be introduced.

Q10. What single stream waste, such as contaminated wood, do consultees consider are appropriate for EfW?

As implied above, we would wish to see stringent conditions attached on any waste going to EfW plants.

Q11. Scottish Government intends that the EfW restrictions will apply immediately to any new installation. What transitional period should be allowed for existing EfW installations to comply with the regulations?

Existing EfW installations should comply within one year of the regulations being approved.

Q12. Do consultees consider that the lead-in times for the landfill bans are reasonable?

As mentioned above we would like to see the lead-in times shortened.

Q13. What test method do consultees consider should be used to assess the level of biological activity?

N/A

Q14. Do consultees have any other comments?

For further information contact:

Juliet Swann
Head of Campaigns
Friends of the Earth Scotland
jswann@foe-scotland.org.uk
0131 243 2722