

By email to: [MRFRegs@defra.gsi.gov.uk](mailto:MRFRegs@defra.gsi.gov.uk)

MRF Regulations Consultation  
Defra  
Area 6D, Ergon House  
Horseferry Road  
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17<sup>th</sup> May 2013

**RE: Consultation on draft Materials Recovery Facility (MRF) Regulations for insertion into Environmental Permitting (England and Wales) (Amendment) Regulations 2013**

Dear Sir/ Madam

Thank you for providing the North London Waste Authority with the opportunity to respond to the government's consultation on draft Materials Recovery Facility (MRF) Regulations for insertion into Environmental Permitting (England and Wales) (Amendment) Regulations 2013.

The North London Waste Authority is the second largest waste disposal authority in England, handling around 3% of national municipal waste collected in the seven London boroughs of Barnet, Camden, Enfield, Hackney, Haringey, Islington and Waltham Forest.

The Authority welcomes the intent of improving the quality of MRF services but has some detailed concerns relating to the proposed sampling and related costs.

A detailed response to your consultation is attached. If you require any further clarification of the points or have other queries please do not hesitate to contact me.

Yours sincerely,



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Tim Judson  
**Director of Procurement**

## Question 1

- a) **Do you agree that the Government should intervene to correct the information asymmetry to improve the transparency of information on material quality?**

Yes. The Authority welcomes the proposed measures.

- b) **Do you agree with this proposal to mandate MRFs above a certain size threshold to measure, sample and report on their input, output and residual?**

The Authority agrees with this proposal, however, the Authority has made comments with respect to the frequency of sampling and monitoring requirements (see responses to Questions 2a and 7).

- c) **If not, what other interventions (including voluntary schemes) could be used to achieve an improvement both in the provision of transparent information and an improvement in the quality of MRF material outputs?**

## Question 2

- a) **Are the assumptions in the draft Impact Assessment correct?**

No, the Authority does not believe that all the assumptions in the draft Impact Assessment (IA) are correct and has highlighted concerns below:

**PV Estimates** - The Authority is concerned that the PV estimates are estimated over 10 years, whereas, in reality MRFs are built to operate for at least 20 years. The direct costs of the policy, over 20 years, will be much higher than that estimated within the draft Impact Assessment and almost twice as much.

**Annual Labour Costs for Sampling** – The Authority believes that the annual labour costs for sampling are underestimated and that the costs for a large MRF reflect the lower end of the scale. The Authority, as part of its Reference Project for the new Procurement estimated the need for a 100,000 tpa MRF. Based on this, the composition of its dry recyclables and the proposed sampling frequencies and weights in the Consultation Document, the Authority estimates that at least over 2,500 samples will be required per annum. However, the Authority's projections for Commingled Dry Recyclable are set to increase up to 190,000 tpa. On this basis, sampling requirements increase to approximately 5,000 samples per annum – effectively doubling. As a result, the Authority is concerned that labour costs are not truly reflective of a large scale MRF and in reality costs will be much higher than outlined in the IA.

Additionally, the Authority believes that whilst basing the labour costs on £7/hr might indeed reflect the national rate, it is not necessarily a true reflection of the regional situation particularly in London where the London Living Wage would increase the estimated costs by up to 15%.

The Authority, however, does agree that the benefits from the scenario given are not included in the summary sheets as there is uncertainty over this and therefore cannot be accurately modelled.

**b) Do you have any further information to improve our assumptions?**

Yes. The Authority suggests that rather than a one size fits all approach to sampling and testing, consideration is given to achieving the best statistical representation. The proposals within the Consultation consist of systematic sampling, whereas random and less frequent, targeted sampling might be more appropriate. As an example, the Authority is made up of seven North London boroughs with a range of recycling performance levels. In this instance, it might be appropriate to focus input sampling on a particular material source where it is recognised that improvement in the input to the MRF is required.

**c) Could the proposals have any impacts other than those intended?**

Yes. Whilst the Authority recognises and understands the analysis in the IA and the assumptions behind the improvement in financial and environmental performance, the Authority is concerned that these impacts result in an additional cost burden which will have to be borne by Local Authorities as these assumptions are yet to be tested. It may be prudent to assess performance fairly shortly after implementation of proposals within the Consultation Document e.g. within six months to see whether the benefits are indeed being achieved and then specifically target improvement where required. There is also the likelihood that continuous sampling does not drive up any more improvements than is already being achieved i.e. the highest quality is already being achieved. In these circumstances there should not be a need for rigorous sampling and testing.

**Question 3**

**Is 1000 tonnes per annum a fair threshold or do you believe a different minimum threshold level should be applied?**

The Authority agrees that 1,000 tonnes per annum is a fair threshold to ensure that all MRFs are captured within these regulations.

**Question 4**

**a) Do you agree with the proposed scope and exclusions?**

The Authority agrees with the proposal that the scope should include MRFs over 1000 tonnes per annum and exclusions should include MBT Facilities

**b) Is six months a sufficient transition time for MRFs to comply with the sampling requirements?**

Yes. As stated in the covering letter to this consultation, the Authority currently utilises two MRFs for the recycling of approximately 65,000 tonnes of commingled material collected in north London. Both MRFs currently undertake sampling and already meet some of the requirements within the consultation.

### **Question 5**

#### **Do you agree that the input, residual and main output streams should be sampled?**

Yes, the Authority agrees. Sampling of input, output and residual streams is required to demonstrate the contamination level or otherwise of incoming materials collected at the kerbside by Local Authorities. The output and residual material is also useful to demonstrate the efficiency of the particular MRF as well as provide end users with information on the quality of material they are receiving.

The Authority, however, has made comments with respect to the frequency of the sampling and monitoring requirements (see response to Questions 2a and 7)

### **Question 6**

#### **Do you agree that material transferred from one MRF to another, should not be sampled?**

The Authority is not clear on the circumstances under which this may happen. However, if for example, plastic outputs from a MRF are transferred to a dedicated Plastics Recycling Facility (PRF) for a further sort then the Authority is of the view that this does not need to be sampled. This is because this is still part of the reprocessing activity and additional sampling will lead to extra costs with no real benefit. The expectation would be for feedback to occur between the PRF and the MRF and in some cases these may be operated by the same entity.

However, if the secondary MRF fits under the definition of a MRF as defined within the Consultation Document then the same sampling and testing requirements should apply.

### **Question 7**

#### **a) Do you agree with the proposals, including sampling weights and testing frequencies?**

No, the Authority does not agree with the proposals. As stated under the response to Question 2b, the Authority suggests that rather than a one size fits all approach to sampling and testing, consideration is given to achieving the best statistical representation. The proposals within the Consultation consist of systematic sampling with the same number of sample applied to each MRF irrespective of size. The

Authority suggests that random and targeted sampling of problematic material might be more appropriate.

**b) Do you agree with the possibility of sampling reductions where a high degree of consistency is demonstrated?**

Yes, the Authority agrees with this proposal. Once a high degree of consistency is demonstrated then a commensurate reduction in input and output sampling should be made.

**c) For MRF operators: do you intend to make use of the opportunity to reduce the prescribed sampling frequency by demonstrating a high degree of consistency in the composition of output?**

**Question 8**

**Which option do you support on transparency of information from the options below, or do you have an alternative suggestion, and how often do you think results should be sent to the EA?**

- a) Only have the information retained by the Regulator;**
- b) MRFs to make information available to customers on request;**
- c) EA publish the information in some manual/electronic form and regulate the access (e.g. local authorities and reprocessors would need to register for access); or**
- d) EA publish the information in some manual/electronic form with unrestricted access.**

The Authority supports option d) i.e. the EA publish the information in some manual/electronic form with unrestricted access. The reasons for this are that taxpayers should be entitled to know how their waste is being managed and it can help increase public confidence and participation in recycling.

**Question 9**

**a) Do you agree with proposed audit requirements?**

The Authority agrees with the proposed audit requirements.

**b) If not, do you have alternative suggestions?**

**Question 10**

**Do you think that minimum standards should be included in this proposal? If yes, what would your proposed maximum contamination percentage be for paper, plastics, metals and glass, and how should they be developed for the supply chain? In this instance we are assuming that contamination levels equate to non-target and non-recyclable material.**

The Authority does not consider that minimum standards should be introduced at this time as these may be unnecessary in addition to transparent information and market pressures. However, the option should be kept under review.

## **Question 11**

**If you have any other comments or observations on what is proposed here, please provide full details.**

Government should clarify how the results from the sampling will fit in with WasteDataFlow (WDF) reporting. WDF allows reporting of residual waste from composition analysis of the input material. It is not clear from the proposals as to whether this will still be the case and what, if any, impacts there might be on reporting.

The Authority also raises the following points on the proposed Quality Action Plan:

**Page 8, footnotes 6 and 7:** These studies are out of date and probably rely on work from a year before or earlier, and therefore would not capture the practices of MRFs such as the Authority uses (and monitor), where we believe output quality to be routinely above the averages shown.

**Page 15, paragraph 5.15:** as above, the Authority is concerned that the references to WRAP work are based on studies reported in 2009 and probably carried out earlier and therefore unreliable today.

**Page 18, paragraph 5.26:** The Authority is not clear on what is being suggested, for example does a pure bale of cardboard meet End of Waste criteria? If so, who will issue the PRN/PERN?

**Page 18, paragraph 5.26:** Who will measure the quality of MRF outputs with sufficient credibility for all stakeholders to trust them?

**Page 19, paragraph 5.32:** as with comments on Paragraph 5.26, who will issue the PRN/PERN and measure the quality of outputs?

**Page 21, paragraph 5.39, Bullet Point 1:** The Authority proposes that just as energy from waste operators have to report emissions breaches to the EA, so MRF operators should have to report loads (wholly or partially) rejected by reprocessors (UK and abroad).

**Page 22, paragraph 5.39, Bullet Point 2:** The Authority proposes that the EA should undertake more portside inspections, and targeted MRF inspections that include checks that MRF operators have indeed been paid for random samples of loads of recyclates previously despatched.

**Page 22, paragraph 5.40:** The Authority is concerned with the proposals of a

registration system that captures "products derived from waste", as this would undermine the benefits of the End of Waste regime.

**Page 23, paragraph 6.3:** As previously commented, the Authority is concerned about the age of the WRAP work. The Authority suggests that a more up to date baseline is produced primarily so that stakeholders are fully aware of current status and understand where to target efforts, and secondly so that credit is not claimed for achieving improvements that have already been made.