

RREUSE Position on JRC End of Waste Criteria for compost/digestate Consultation

Background

End of Waste Criteria for biowaste should be in place in order to allow the free trade of high quality, stable and safe compost and digestate within the EU. These criteria are being formulated primarily to address differences in inputs/processes/outputs of **large scale** facilities which can often lead to a substandard output compost/digestate.

However, for small scale composting facilities, compliance with the stringent End of Waste requirements would be a heavy burden and detrimental to their economic viability, reducing their capacity to provide social benefit to the communities in which they are based and local ecological or agricultural improvement.

RREUSE members working in the field of composting and anaerobic digestion are primarily **small scale** facilities with **high quality** compost output, using **low risk** input materials **collected locally**.

Within the current JRC working document, the only references to small scale compost producers are the following:

4.3 Product quality requirements for compost and digestate

*.... a majority of stakeholders were not in favour of including organic pollutant parameters as long as the input consisted of source separated materials, for the sake of simplicity and cost-effectiveness of compost production, especially for **small scale** compost producers. It was argued that if mixed solid waste, sewage sludge or possibly contaminated input streams were to be allowed, strict criteria on organic pollutants would need to be introduced (Page 88)*

5.2 Economic impact

*Where the quality certification of compost and digestate needs to be upgraded for complying with end-of-waste criteria, this creates increased costs for compost and digestate producers, which are not likely to be very significant in relative terms for large scale compost and digestate production, but may make up to 10 % of total costs in the case of **very small-scale** production. This may be compensated, at least partly, by increased revenues through higher prices in compost and digestate sale, if users accept that there is a sufficiently high benefit to them in terms of avoided compliance costs and better and more reliable product quality.*

Although highlighting important issues, we believe this to be insufficient.

RREUSE feels that 'small scale low risk' composting facilities should be given more leniencies or a simplified low cost route to achieving end of waste status. We do not want the situation whereby if a facility cannot achieve End of Waste status because of compliance costs for example, that this product is still considered a waste and customers buying this compost must then require a permit for spreading it on the land and that the demand for the local compost would be reduced.

For example, some countries within the UK (Scotland and Wales) are adopting policies that define recycling of biowaste (in the waste hierarchy) as the achievement of a technical end of waste criteria (currently PAS100). If there is no provision in place for small scale community composters who cannot afford the costs of compliance with EoW tech specs their activities will be demoted to recovery. This puts them on a level with 'energy from waste' facilities when the benefits are more closely aligned with home composting and therefore waste prevention. The labelling of community composting as recovery could also result in a withdrawal of Local Authority support for local groups.

Proposal:

RREUSE would like to see that a 'small scale low risk' provision be explored that creates a regulatory niche for small scale community based low risk composting that is of environmental benefit to agricultural activities and other growing activities. We accept that it might be appropriate for the JRC to ensure that the current end of waste technical specification is finalised and fit for purpose before this is explored. We would not want to risk proposing measures that create a loop-hole in mainstream market regulation.

We are proposing that the following are explored to arrive at criteria for defining the 'provision':

1. We propose that firstly, 'small scale' composting facilities are defined. Currently in Europe there are a number of ways in which small scale facilities could be defined, often through looking at exemptions within national environmental permitting regulations for example (See Annex for a few examples). Defining small scale could, for example, be a matter for individual member states but a definition nevertheless needs to be made;
2. In order to help define the 'low risk' aspect of our 'small scale low risk' proposal we propose a subset of inputs from the positive list that may help define such facilities based on inputs to the facility rather than outputs. These would of course be source-segregated;
3. Measures are put in place to ensure that the destination of the compost is for use as a growing medium or soil amendment within a reasonably proximal locality (the proximity principle is a key characteristic of community composting);
4. That the social benefits of the activity be recognised by means of the links with the community and the not for profit structure of the organisation or group, (this should not preclude a financially sustainable income being generated that creates employment, volunteer and training opportunities or is used to support other activities of benefit to the community);
5. that that feedstock materials, for use by the community for composting, are not considered waste in the first instance if they are collected from or delivered by the householder or local businesses for the purpose of composting – i.e. this activity is given the position of 'waste prevention', (this is especially key for green waste).

There may be other criteria that could or should also be explored, this is by no means an exhaustive list.

Having this provision for 'small scale low risk' community composting facilities would allow the following;

- Facilities falling within this defined category would not have to go through the exhaustive list of requirements as required for the large scale facilities, cutting out a lot of the administrative burden and thus removing the economic barrier to their continuing existence;
- Countries without defined permits based on size, for example, could use this definition as guidance and tailor it to fit their own contexts;
- It would act as a very timely lead example to EU members states, such as those in the UK for example with issues around the application of PAS100 based EoW criteria and it's dis-benefit to community composting.

We therefore ask that the Commission/JRC include a provision within or without the regulation allowing for such 'small scale low risk facilities' to be defined and that provision for a lighter form of achieving EoW Criteria, or an exemption from EoW criteria, or a voluntary operational code of practice which removes the definition of waste in the first place, or some other remedy as yet to be defined to be given to them.

Annex on what could be inferred as 'small scale' in Europe:

| Country | Definitions - Current regulatory position on tonnage or volumes. |
|-------------------------|--|
| Brussels/Walloon Region | <p>- In Walloon region:</p> <ul style="list-style-type: none"> - under 10 m³ (attention Cubic Meter), there are no restriction nor legislation - from 10 m³ to 500 m³, you are considered as being a "Class 3" industrial unit, and as such you must declare it - from 500 m³ to 40000 mm², you are considered as being a "Class 2" industrial unit, and as such you must ask for an environment permit. More info on http://wallex.wallonie.be/index.php?doc=15297&rev=15914-9224 - over 40000 m², you are considered as being a "Class 1" industrial unit, and as such you must ask a environment permit, and order an impact study, and you may be restricted to some conditions; more info on http://environnement.wallonie.be/cgi/dgrne/aerw/pe/rubri/rubrique.idc?chx_rubri=90.23.12.03 <p>- In Brussels Region:</p> <ul style="list-style-type: none"> - under 50 m² (attention Square Meter), there are no restriction nor legislation - between 50 m² and 2000 m², class 2 permit, and as such you must ask a environment permit - over 2000 m², class 1B permit, and as such you must ask a environment permit, and order an impact study; more info on http://www.bruxellesenvironnement.be/Templates/Professionnels/niveau2.a |

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| UK | <p>In England & Wales :</p> <p>The position here has changed recently and is still in a transition period –from the old free exemption (known as Paragraph 12) allowing upto 1000m³ on site at any one time to new exemptions and Environmental Permits:</p> <ul style="list-style-type: none"> - upto 60 tonnes - (or 80 tonnes if it's closed loop all on one site) you must register an exemption which is free; - within this exemption there is a sub- limit of 10 tonnes of food/catering waste. - Over 60 tonnes – you must apply and pay for an Environmental Permit. There are a suite of standard permits with strict parameters for composting, CCN*members who do not fit into the exemption tonnage limit of 60t are looking to apply for one upto 500t. However if you cannot meet the strict parameters, i.e. not be within 250m of a house, you have to apply for a bespoke permit which is much more expensive. <p>http://www.environment-agency.gov.uk/business/topics/permitting/32322.aspx</p> <p>Note: In terms of costs of applying for a permit and you have a site that fits within the strict parameters of a Standard Rules permit the application charge for the permit is £1,590. Following this a yearly (early renewal fee, aka 'subsistence' fee is £760. This already presents significant costs to small scale facilities. More info:</p> <p>http://www.environment-agency.gov.uk/static/documents/Business/EP_scheme_and_guidance_2011-12.pdf</p> <p>In Scotland:</p> <p>Scotland has it's own Environment Protection Agency (SEPA) who have retained the Paragraph 12 exemption allowing up to 1000m³ on site at anyone time. Within this exemption the following limits or charges apply:</p> <ul style="list-style-type: none"> - upto 100 m³ – have to register but its free - over 100m³ – there is a fee and a more complex application process - Under 2m³ there is a provision for commercial or educational facilities to just notify SEPA that they have a composting activity on site. <p>http://www.sepa.org.uk/waste/waste_regulation/application_forms/exempt_activities/paragraph_12.aspx</p> <p>In Northern Ireland:</p> <p>Also has an autonomous Environment Agency.</p> <ul style="list-style-type: none"> - upto 200 tonnes – you have to register for a Paragraph 13 exemption for which there is an annual charge (£570) <p>http://www.doeni.gov.uk/niea/waste-home/authorisation/exemption/wml_complex_exemptions/complex_para13.htm</p> <p>*Community Composting Network</p> |
| Finland | <p>If you collect under 10 tonnes you get a permit from municipality and if you collect over 10 tonnes tons you get a permit from Regional State Administrative Agencies.</p> <p>http://www.ymparisto.fi/default.asp?node=6466&lan=en</p> |

Who we are:

RREUSE is a European umbrella for social enterprises with activities in reuse, repair and recycling. RREUSE's members are national and regional social economy networks that combine both social and environmental objectives and give them equal emphasis. We represent more than 150,000 FTE jobs, trainees and volunteers and our 22 members are present in over 11 EU Member States.