

Veolia response to consultation on Amendments to the Persistent Organic Pollutants (POPs) regulation

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About us

Veolia is the UK leader in environmental solutions, employing over 13,000 people across the UK. We provide a comprehensive range of waste, water and energy management services designed to build the circular economy and preserve scarce resources.

We are committed to protecting the environment and improving the lives of the communities in which we operate. Our purpose - "Ecological Transformation" means adapting, improving, and prioritising sustainable patterns of production and consumption, placing ecology at the forefront of our processes, solutions, and most importantly our mindset. Ecological Transformation encompasses four key pillars: Improving Biodiversity, Decreasing Pollution, Fighting Climate Change and Optimising Resources.

Veolia currently operates ten Energy Recovery Facilities (ERF) in the UK which generate 1.58TWh (1.58 million MWh) of electricity enough to power 431,000 homes and export an estimated 151 GWh of heat to district heating networks. We also operate a High Temperature Incinerator (HTI) at Ellesmere Port in Cheshire designed to safely dispose of hazardous waste streams that cannot be sustainably recovered or recycled elsewhere as well as a biomass power station in Chilton receiving waste wood.

Our response

We welcome the opportunity to respond to the consultation on Amendments to the Persistent Organic Pollutants (POPs) regulation. We have provided a summary response to the consultation questions below, covering several key themes noted in the sub-headings below:

Waste Classification

In order to be able to facilitate an assessment of the impact of this change in regulations across the industry, it is essential that basic waste characterisation and classification is fully achieved. The current absence in consistency, approach and expectation across the sectors, would be a significant barrier to assessment of the implications of decreasing POPs thresholds. Without this it is not feasible or realistic to assess the impact of the new limits including on waste flows, costs and business viability among many other potential areas of impact or in fact to implement or enforce thresholds for the new lower limits for POPs proposed within this consultation. This will also be critical in relation to the effective implementation of the incoming Digital Waste Tracking System.

We have identified the following issues in relation to waste classification:

- For Fly-tipping, we have much less clarity on waste classification. Classifying hazardous waste that is in fly tipped materials will be challenging and will likely take a precautionary approach. This may result in significant volumes of material being diverted for disposal, increasing costs and decreasing recycling rates across the municipal sector.
- WEEE and other waste streams such as mixed fractions into RDF are not homogeneous streams, therefore there is an absence of testing protocols, assessment would not be practicable or reliable.
- For the construction industry, which is predominantly made up of sole traders and SMEs, there are already substantial issues in segregation and classification of waste streams. This would need to be addressed and the onus not placed on the large scale waste companies to effect the change. Expectations and enforcement is essential at grass roots levels. This type of C&D classification is likely to apply across local authorities through fly tip and HWRC inputs.
- Lack or absence of existing testing for all parameters, as standard these are not fully assessed in all waste streams and therefore the impact of these on the industry is difficult to determine.

Impact on Energy from Waste

Energy from Waste (EfW) provides a safe and reliable solution for managing non-recyclable residual waste, hazardous and clinical waste, while also recovering metals for recycling and aggregates which are then used in construction.

Keeping in mind the difficulties around waste classification and variable inputs from multiple sources, we would need to take a precautionary approach to implementing these proposed regulations, which would have consequences for EfW Facilities, notably on plant capacity, operations, testing protocols and permit status. More plastic would likely be diverted into EfW as a result, impacting flue gas emissions from the stack. Further details in relation to testing, operation and emissions changes and increased costs/gate fees are outlined below.

Increased Testing at Facilities

In line with permit and appropriate measures, hazardous material acceptance into our dedicated facilities is subject to regulatory pre-acceptance and testing. Whilst basic classification requires assessment in line with WM3, the nature of the mixed inputs and lack of accepted and appropriate testing methods, results in a low level or absence of physical testing at non hazardous plants. Moving the testing down the chain to the producer would still not result in an increased capability of assessment of POPs content due to those challenges already outlined within our response. There is also the question as to how Small Domestic Appliance collections would be tested for POPs level - for example those that are at HWRC.

There are also implications for IBA material and its usage in new products. Testing IBA would be one way of sampling POPs content on the outputs, this would mean an increase in sampling of IBA materials, which is costly and would result in an increase in the gate fee. Further, the ultimate impact on IBA reuse is unknown since even if current results indicate that IBA is free from POP's as the volumes of POP's waste going to EfW increases there is a risk that IBA is ultimately affected and with it the ability to recycle the material. In the case this resulted in the landfilling of IBA this would be hugely expensive for local authorities.

The outstanding concerns over APCr residues would need to be assessed through further testing. This would include the potential impact on biomass locations. It is essential that the planned derogation for hazardous landfill disposal remains an option for this material.

Operational and emissions changes

For EfW, POP's waste is in the main shredded before entering a facility, therefore there are challenges with managing POPs containing materials which are mixed in with the residual waste inputs. It is extremely difficult to separate out POP's containing wastes from residual waste and ERF's will ultimately be dependent on householders to ensure relevant items are removed from the waste. This would require enormous effort to educate the public and provide alternative solutions for the relevant items. From an emissions perspective, the typically high calorific value of POPs waste can result in additional thermal NOx which will have an impact on flue gas and will require more treatment (reagent).

For PBDE level in WEEE plastics, the change proposed as it will result in a 44% increase in plastics from TVs that are lower than the threshold. Thereby, resulting in more WEEE being sent to EfW over recycling, especially as a precautionary approach is likely to be taken with these reforms, given the challenges around testing and waste classification.

For High Temperature Incinerators (HTI), including our Ellesmere Port site, the likely shift from aqueous materials to solid based would require proper management at HTI as the input composition is strictly monitored given the variety of materials being processed at a HTI. In addition, PFOAs are an issue for HTI capacity, which is already limited in the UK with currently 80000T shipped out of the UK at the moment.

Due to wider issues with waste classification and the likely need to take a precautionary approach to implementing these proposals, we may find that many EfW would require a permit variation for accepting hazardous waste material pending Agency led classification, which could present issues for planning consents for municipal solid waste management infrastructure and contracts. It is also important to consider the wider reputational elements of this possible variation in permit on the EfW industry.

Further whilst the POP's content of the household waste is currently not known it does seem likely that as limits continue to decrease with respect to such a large suite of compounds commonly found in household items that more and more municipal waste will ultimately be described as hazardous. The impact of this should be carefully considered based on data before major decisions are taken that could affect the viability of existing waste operations.

Increased costs and gate fee rise

Overall disposal costs for POPs containing materials are 4x higher than non-hazardous materials which will result in a rise to EfW gate fees. Similarly, the increase in testing will have a knock on impact on gate fees as IBA testing is doable but also costly.

Enforcement

Due to ongoing challenges in delays with determination of environmental permits, at times over 12 months, EA resourcing is definitely a concern for industry when taking into account the scale of the wider waste sector reforms and the additional pressures and responsibilities placed on the EA. Focus from the regulator also needs to be considered in the enforcement and upskilling of the industry in relation to waste classification, ensuring appropriate application at all levels and not relying on the waste companies to enforce and take the liability and risk of producer decisions.

Alignment of this approach with wider policy

We have some concern about the long-term implication of this approach which goes further than some elements of the Stockholm Convention and is a divergence of rules and approaches between the UK and EU, which could have implications for global commercial operations and disposal opportunities.

Furthermore, with a precautionary approach likely to be taken, it is important to raise possible impacts on wider circular economy policy such as planned reform to the WEEE Producer Responsibility Regulations which could impact recycling rates as well as impacts on recycling more broadly, such as on the use of IBA and APCr based products. Moreover, it is important to take into account wider environmental policy, notably if EfW is to be included in the UK ETS, the increase in hazardous material would likely increase fossil content at stack.