

6 December 2005

Kirstie MacFarlane
Scottish Executive
Environment & Rural Affairs Department
SEPA Sponsorship & Waste Division
Area 1-J (North), Victoria Quay
Edinburgh EH6 6QQ

Dear Ms MacFarlane

Consultation on the Sustainable Management of Waste from Business & Public Sector Organisations in Scotland

We thank you for giving us the opportunity to respond to the above consultation document. Some of the questions raised are not always applicable to the area that we operate, however, a number of points raised in the paragraphs we find are inaccurate and we would like to correct for good order.

The British Aggregates Association is a trade association representing the interests of the independent aggregate quarry operators sector in Scotland and the rest of the United Kingdom. We have over 70 members who are responsible for over 200 operating sites, many of which are located throughout Scotland. Added to this we have in the order of 20 associate members who are involved with the industry as key suppliers of goods and services.

Question 1

We find that SEPA's policy concerning the handling of some business waste leaves a lot to be desired. Whilst we welcome the move away from landfill there appears to be little guidance to SMEs where and how business waste is likely to be handled in the future. There would appear to be a head in the sand approach to incineration or research into incineration, of domestic waste along with the incineration of certain business waste. Not only would this be a cleaner solution than landfill, but also it could be linked to the generation of electricity (As it is in some European countries) and may reduce the potential reliance on nuclear power, which now appears to be the only solution left. Para 1.04 confirms that the Scottish Executive does not intend to spend money in this area or on any research, instead it would appear to be more interested in spending time on daft schemes like "green jobs" or setting targets for the use of recycled material in public building works. This is simply posturing and does not get to the root of the problem of what to do with business waste. Para 1.05 does not mention waste oil. Currently all waste oil is collected by specialist licensed companies who filter and clean this product and resell it as recovered fuel oil

which is used as an alternative to gas oil in some industrial heating operations. Unlike other EU countries, SEPA have interpreted the Waste Framework Directive in such a way that they believe that waste oil cannot be turned from a waste back into a product, namely recovered fuel oil (RFO). This is despite research from industry that has proven RFO to be a much cleaner fuel than gas oil and recent European Court rulings that question the interpretation put on RFO by SEPA. There has been no guidance by SEPA of what to do with waste oil when the new regulations come into force at the end of 2005 effectively prohibiting the burning of waste oil as an alternative fuel. SEPA should be protecting the environment for the nation. This will not happen if waste oil finds its way into our rivers.

Para 1.06 talks about major producers of waste and lists the quarrying industry as one of these producers. We would suggest that this is misinformation. We are not aware of any of our members producing a “waste” that is not ultimately sold. Overburden consisting of soils and clays is normally left on site for restoration purposes. Slate quarries produce waste but we are not aware of any current roofing slate producers in Scotland. Slate producers who produce a considerable amount of waste (along with cement manufacturers) are not subject to the aggregate levy, which is supposed to be an environmental tax (see para. 2.02). This makes a nonsense of the comment in 1.04 that “polluter pays” when clearly in the areas of so called untaxed secondary aggregates, polluter does not pay!

Question 2

It would appear that SEPA and the SE could get their facts right before embarking on a consultation paper like this. It could be beneficial to hold meetings with stakeholders to get the facts in the first place. Otherwise it could appear that both SEPA and the SE are out of touch with industry and SMEs when it comes to waste.

Question 3

Para. 2.02 mentions the Aggregate Levy. Unfortunately this is one policy that has failed to meet its objectives. The Demand for virgin aggregates has in fact increased since the introduction of the levy in 2002. This data is from the HM Revenue and Customs website. The British Geological Survey (ODPM) has stated that as a result of the imposition of the aggregate levy, there is now a severe danger of by-products of primary aggregates (e.g. scalplings and crushed fines) not being sold because they cannot compete with untaxed secondary and recycled aggregate and these primary by products could become tomorrow’s industrial waste. The so-called “environmental costs” associated with quarrying is another example of misinformation. All environmental matters associated with quarrying are regulated and policed by planning conditions and SEPA inspectors.

Advice on waste oil as noted in para. 2.07 would be most welcome.

SMEs consider that the SE and SEPA do not appreciate the problems. More and more costs associated with environmental legislation are having a crippling effect on SMEs. It is not true to say that waste disposal costs are a small part of businesses’ overall costs. They are seen as part of the mounting taxes associated with the environment. For example the paper mentions water costs. SEPA are now proposing to charge for extracting water from rivers or wells. An activity that has been going on for years without the need for charges being levied.

Question 4

Question b) could apply to research into incineration

Question 5

Trade Associations consider that SEPA and the SE could listen more to what industry is saying. We are both on the same side when it comes to the environment. The problem appears to be when it comes to solutions. Both sides appear to have different points of view of what is, or is not, practical.

Question 6

No Comment

Question 7

No Comment

Question 8

We confirm that we fully agree with the policy to move waste away from landfill. However, we believe that much more can be done into research of alternative uses of waste. (e.g. clean incineration).

Unfortunately waste handling centres are not the most popular places within a community. The SE says that the interests of all are taken into account when deciding where to locate these places. Industry tends to treat this with some scepticism following on from the proposals of Third party Rights of Appeal and statutory Good Neighbour Agreements as noted in the White Paper, Modernising the Planning System. These kinds of policies may appear to be politically correct, but they do not address the problems associated with waste and tend to lead to nimbyism.

In para. 3.04 the paper discusses capital grant schemes operated by WRAP in Scotland. This organisation contends that this is not the best way to fund recycling of aggregates for example. The recycling of aggregates tends to be linked to demolition and construction work. A reduction in the rate of demolition will inevitably lead to a reduction in raw materials for the recycling of aggregates. Recycled aggregate tends to take place within the urban area, so it is nearer the market. It is not subject to the aggregate levy or any of the costs associated with the winning of primary aggregate so it is therefore much cheaper. Why then do WRAP provide grants for plant and equipment for a product that has so many commercial advantages in the first place? This simply distorts the market. A better use of WRAP funds would be to provide grants for plant that would upgrade primary by products such as surplus crushed fines and scalplings. This way the by products could be turned into primary aggregates and thus reduce the amount extracted. (Which was one of the objectives of the aggregate levy). It would also reduce the amount of unsold material (unsold because of the levy), which has the potential of turning into a waste.

Question 9

No comment.

Question 10

A target for recycled aggregates in public buildings is not logical at this stage. Firstly there is a shortage of recycled aggregates in many city centres because there is a lack of raw material (i.e. a lack of C&D waste). If the rules surrounding the Waste Framework Directive were relaxed then a great deal more so called waste could be recycled and resold as a different product. SEPA tend to regard waste as “anything that has been discarded”. For example a new product that has been discarded is

classed as waste, even though it has never been used and is as good as new. It is nonsensical policies like this that make persons in industry and SMEs very sceptical of SEPA plans.

Question 11

No comment

Question 12

The PPC policy enforced by SEPA is a farce when it comes to waste oil being used as a recovered fuel oil. How can the “protection of the environment as a whole” (para.4.14) be taken seriously when there is a great danger that waste oil will end up in our rivers as a result of this nonsensical policy? Waste oil is not a problem now, but it is likely to be very soon. Best Available Techniques are currently being used in burning waste oil in asphalt plants and power stations. Research has proven that this fuel is better for the environment than some gas oils. The reason for this is quite simple. Most waste oil comes from engine oil, which is a much higher refined product than gas oil or diesel oil; it is therefore cleaner on emissions.

Question 13

It is a pity to read talk of even more bans when no alternative policy is put forward. Any policy concerning waste must be balanced. Far too many environmental regulations or policies have achieved exactly the opposite environmentally of what they were supposed to achieve.

Once again we thank you for giving us the opportunity to respond to this consultation. We hope that you find our comments constructive and useful and would be more than happy to discuss further with you any points that we have raised above.

Yours sincerely

Richard Bird
Executive Officer