

2 November 2006

Waste Framework Directive Consultation  
Waste Management Division  
Defra  
Zone 6/F6  
Ashdown House, 123 Victoria Street  
London SW1E 6DE

Dear Sirs

**Consultation Paper – Proposal for a Directive of the European Parliament and the Council on waste.**

We welcome the opportunity to comment on the above consultation paper.

The British Aggregates Association is a trade association that represents the interests of some 80 members of which 60 are independent and privately owned SME quarry operators throughout the UK with some 10% of national output and who operate from over 100 sites. We are part of the consultation and lobbying process both in the UK and Europe – and are also represented through the CBI (Confederation of British Industry) and CPA (Construction Products Association).

Many of our members are in the manufacture of asphalt and bituminous products for road construction work. Our particular interest in the above consultation paper, in this instance, is in the area of waste oil and the proposed changes to the WFD and WOD.

For well over 40 years our industry has used a product known in the trade as recovered fuel oil (RFO) as a means to fire the burners of asphalt plants employed to heat the aggregate prior to coating with bitumen. This RFO is used in conjunction with, and as an alternative to, virgin gas oil. Asphalt plants are a very suitable outlet for RFO because of the ash content that is inherent in RFO (the ash stems from the detergents that are employed in engine lubricating oil). This ash is easily dispersed within the aggregate mix in the drying drum. This would, however, not be the case if RFO was employed as a domestic heating fuel. (The ash would choke up the burner in a domestic system). With over 400,000 tonnes of waste oil being produced in the UK every year our industry, by using RFO, has been a major factor in ensuring that waste oil has not become an environmental disaster to the nation. Furthermore we believe that emissions from the firing of RFO are no different from those of virgin gas oil and indeed recent tests have indicated that RFO may be better, based on the fact that engine oil is a much more highly refined product than gas oil.

In December 2005 we were advised that the European Parliament was proposing changes to the Waste Framework Directive (WFD) and the Waste Oil Directive (WOD). This was welcome news to our industry because at that time the regulations concerning RFO and the Waste Incineration Directive (WID) were about to be introduced. This would have effectively prohibited the use of RFO as an alternative

fuel because the costs involved and the fact that very little was known whether suitable emissions measuring devices were actually available for asphalt plants. Indeed at that time there was considerable confusion by all involved. This confusion appeared to stem from the interpretation of the Waste Oil Directive 75/439/EEC. This provided that “*Where technical, economic and organizational constraints so allow, Member States shall take the measures necessary to give priority to the processing of (mineral) waste oils by regeneration*”.

In the UK considerable emphasis was put on the word “regeneration”. This was interpreted as meaning recycling or re-refining back to a lubricating oil for engines. The fact that this recycled product would cost more than new lubricating oil already on sale was not considered (**despite the economic constraints noted in the WOD**). Furthermore when the WOD was introduced in 1975 the word *regeneration* was used because at that time it was thought that reserves of crude oil were running low (Note the North Sea Oil industry boom had not happened at that time) and waste oil had to be recycled to conserve crude oil stocks. The fact that RFO, which is not considered to be *regenerated* by some authorities, was actually achieving the same end because it was used as an alternative to gas oil, was chosen to be ignored by some authorities. To add to all of this confusion, some member states had judged that RFO was in fact a product in its own right and had been removed from the WFD and therefore was not subject to the WID. (This was the point of view of the Department of the Environment in the Republic of Ireland). Furthermore, various legal judgements in both the UK and Europe made the matter even more confusing. In short, the whole thing was a mess and this is why we welcome the new clarification from Europe.

We confine our answers to the specific questions in the consultation document that affect our industry in this instance.

#### **Question 4 Recovery**

We believe that “recovery” should refer to a product that has been suitably recovered from being a waste and turned into a new product that has an economic value and is marketable. In particular the recovered product will be a substitution in the economy for a raw material. In Annex 2, R9 “other reuses of (waste) oil” would appear to meet this criteria when it applies to RFO and the fact that it is “considered to have resulted in a useful purpose”.

At this stage it would no longer be classed as a waste.

The idea that all waste undergoes recovery operations would appear to be a proposal to strictly limit the amount that goes to landfill. If this means the incineration of municipal waste rather than disposed to landfill then we are in favour, particularly if that incineration used as a means to generate power.

#### **Question 8 End of Waste**

In the case of recovered fuel oil we do not have a problem with conditions that may be laid down to ensure that there are no detrimental environmental effects before a product is deemed to have been recovered and fit for sale, **provided** those conditions are agreed jointly with industry and based on historical evidence and BATNEEC. As has been mentioned above, the use of RFO as a fuel in asphalt plants has continued

for many years without there being any evidence of detrimental environmental effects. Furthermore, the fact that over 400,000 tonnes of waste oil are recovered every year without too much problem must go a long way to suggest that there is not a problem (or catastrophe) and if it is not broke then don't fix it!

We firmly believe that the adoption of (a) *reclassification would not lead to overall negative environmental impacts.*

Indeed, it is our view that in the case of waste oil which is collected mainly FOC by licensed operators and turned into RFO, any alternative such as removing to one or two cement works in the country or being used a flux in steel making will lead to a massive pollution problem throughout. The reason for this is that these outlets are very few and far between and the fact that producers of waste oil will in future have to pay for disposal of waste oil will inevitably lead to the illegal dumping of this waste.

### **Question 10 Waste Oils**

We most definitely do consider that the requirement to give priority to processing mineral waste oils by regeneration should be repealed.

We have commented already on this point in that we believe that is uneconomic and unnecessary because recovered fuel oil achieves the same effect in that it reduces the requirements for crude oil.

We believe that waste oil must be collected, transported and processed only by approved operators licensed by the authorities to do so.

Once again we would like to express our appreciation for the opportunity to comment on the consultation paper.

Yours faithfully

Richard Bird  
Executive Officer