1 Introduction


1.2 The current EA position is that CLOs cannot be used on land that is, or is likely to be, used for agriculture unless a Permit under the Environmental Permitting (England and Wales) Regulations 2007 has been issued by the regulator.

1.3 The EA intends to grant bespoke permits for strictly controlled and limited scientific trials for the use of CLOs on agricultural land and seeks views on the technical standards and measures that will apply when issuing these permits.

1.4 The trials will provide the EA with good quality data that will allow the regulator to assess the use of specific CLOs at specific sites. Once the regulator will have sufficient quality data, they will review their current position.

1.5 The Association for Organics Recycling is the United Kingdom’s membership organisation, working on behalf of its members to raise awareness of the benefits of composting and compost use. The Association is committed to the sustainable management of biodegradable resources by promoting the benefits of composting and other biological treatment techniques for the enhancement of the environment, business and society.

1.6 The Association aims to act as an advocate for the wider biowaste management industry and to represent its views in a constructive dialogue with policy makers. It envisages a biowaste management industry in which best practice is shared, standards are maintained and surpassed and which makes a positive contribution to safeguarding the environment.

1.7 The Association for Organics Recycling currently has approximately 500 members including composting, anaerobic digestion and mechanical biological treatment operators, local authorities, consultants, technology suppliers, compost users, academics, other membership organisations and individuals. Given that it represents the majority of compost producers in England and Wales, it welcomes the opportunity to comment on the draft document.
1.8 The Association has consulted with its members on the
The use on land of compost-like outputs from mechanical-biological treatment of mixed
municipal solid wastes

1.9 The Association welcomes the opportunity to discuss any of the points raised in this
response.

2 Key aspects

2.1 The EA do not believe that CLOs should be applied to agricultural land used for growing
food or fodder crops or to any land that is likely to be used for this purpose in the future.

2.2 They recognise that MBT technology and processes are being developed and improved,
but they do not have enough evidence to permit the widespread and continuing use of CLO
on agricultural land or land that is being recovered to agricultural use.

2.3 The EA intends to grant bespoke permits for strictly controlled and limited scientific trials
for the use of CLOs on agricultural land and seeks views on the technical standards and
measures that will apply when issuing these permits.

2.4 The proposed conditions of these bespoke permits are:
   • each permit will be bespoke (drafted to meet the particular circumstances of each
     application), will be for a single site and for a specific CLO.
   • The quantity allowed will be limited
   • The operation control and the sampling programme will be detailed, rigorous and
     comprehensive so that each trial provide with good scientific evidence
   • The operator will need a written agreement form the EA to put crops grown on the site
during the trial into the food chain
   • The EA will only allow one trial at any one time for the CLO from a specific MBT plant.

2.5 The trials will be typically limited to a maximum of two crop cycles and a maximum area of
150 hectares at one site.

2.6 The trials will need to identify the risks posed by the activity and show how these will be
controlled and reduced to acceptable levels.

2.7 The evidence supplied must cover land that has been reclaimed for the purpose of
restoring it to agricultural land for food of fodder crop production.

2.8 The Additional Guidance sets the technical standards to be met within the trials. EA seeks
our views on specific aspects of this Guidance.

3 AfOR’s comments

1. Does the guidance explain clearly how we regulate the recovery to land of compost-like
outputs from the mechanical-biological treatment of mixed municipal solid wastes? (We
refer to these outputs as MBT CLO.) If not, please what aspect(s) you consider not to be
clear and why.

The EA’s approach with regard to the application of CLOs to agricultural land is clear in the
guidance. However, it is not clear whether the guidance covers the use of CLOs on grazing
land or reclaimed land that is going to be used as grazing land. The guidance refers only to ‘agricultural land used for growing food or fodder crops, or to any land that is likely be used for that purpose in the future’.

2. Is the guidance clear about the additional information that operators will need to provide if they wish to carry out a trial? If not, please what aspect(s) you consider not to be clear and why.

Yes, the guidance is clear with regard to these aspects.

3. Are the technical standards and measures suited to carrying out large-scale trials in England and Wales? If not, please explain why.

Box 3.2

Batch
The maximum batch size is too small considering the amount of material that the operator will have to store on the field prior to spreading (up to 3,000 tonnes).

Application rate
There should not be a limit in the application rate, but the guidance should rather say that application rates shall be based on the NVZ rules and the Code of Good Agricultural Practice recommendations. This approach would be consistent with that applied to the spreading of other organic materials to land. A consistent approach to the use of organics amendments is imperative if we are to establish an even and fair regulatory approach.

Box 3.3

The guidance requires that two samples per batch are taken and tested for the obligatory determinands. This seems excessive. If the composite sample has been taken following the recommended standard procedure it should be representative of the whole batch and, thus, there should be no need to take and test an additional sample.

We also suggest that the sampling guidelines should be more specific with respect to coning and quartering the sample so that a representative portion is sent to the laboratory for testing. The sampling procedures described in BS EN 12579:2000 could be referred to.

Soil and crop sampling are required for the whole list of determinands, including organic pollutants (such as PCB), PAH and Dioxins and Furans. AfOR believe that the number of determinands should be reduced to those that have been identified to be critical as result of testing the CLOs. The cost of testing all these determinands in the soils and crops is very high and doesn’t appear to be justified, if they are present at low levels in the MBT CLOs.

4. In Schedule 1 of the guidance we list the determinands (the key characteristics, including potential contaminants), to be measured in the MBT CLO, the soil and the crops. Is this list sufficient? If not, please identify any missing determinands that you consider should be included and why.

Please see comments above.

5 Are the test methods that we specify for the determinands appropriate? If not, please identify the method(s) that you do not consider appropriate and why.
The majority of the test methods are appropriate. However, where PAS 100 test methods are specifically referred to, the test methods should reflect those in the new PAS 100 (2010) that is going to be published in due course.

6 Are the limits that we specify for the levels of determinands in the CLO appropriate? If not, please identify the limit(s) that you do not consider appropriate and why.

Table S1.1.1 List A CLOs determinands

BSI PAS 100 is currently being reviewed. If PAS 100 upper limits were referred to in this document guidance (Table S.1.1), AfOR suggest that the limits of the new PAS 100 should be used instead of those of PAS 100:2005. For example, the limit proposed for plastic content in the new PAS 100 is likely to be stricter that the current limit in PAS 100:2005.

The limits for the heavy metals do not seem to be correct and we suggest that a data transposition error may have occurred. The limits proposed for cadmium, copper, mercury, nickel and zinc are certainly much higher than the equivalent PAS 100 limits, even though the table incorrectly says that they are ‘stricter than the PAS 100 limits’. The only limit that appears to be stricter than the equivalent PAS 100 limit is the one related to Lead. AfOR suggests the table is amended with the correct values inserted and that

In relation to the physical contaminants and stability limits, the column entitled ‘Reference sources for limits used’ specifies that these are ‘Equivalent PAS 100 limit for green composts’. Please note that these PAS 100 limits are not only for green waste composts, but for any compost produced according to the PAS 100 standard.

Table S1.1. requires that the PAS 100 stability limit and physical contaminants are met. While we do understand the need to test these parameters, compliance with the same limits is not required for landspreading organic materials to land under either paragraph 7a exemption or the new draft standard permit for landspreading (No. 9). I.e. Under paragraph 7 and the new landspreading permit untreated green waste ad other waste types can be applied (subject to proof of agricultural benefits), but do not need to prove stability or do not need to be tested for physical contaminants unless required by the local EA officer in charge of evaluating the evidence provided. AfOR believes that the limit values adopted for CLOs should be consistent with those adopted for the spreading of the other organic materials to agricultural land.

7 Have we set appropriate Soil Limit Values for the levels of determinands in the soil? If not, please identify the limit(s) that you do not consider appropriate and why.

The limit values set for soils that received CLOs should be the same as the soil limit values that apply in relation to spreading of other organic materials to land. The soil metal limit values in Table S1.2B are acceptable, as consistent with those applied for the application of all organic materials (compost, digestate and sewage sludge) to land.

AfOR believes that the issues concerning soil limit values is of significant importance and should be consulted on separately and not in conjunction with the above consultation.

8 In Appendix 2 we present the alternative limit values for metals in soils when wastes are applied to land. We refer to these limits as ‘soil screening values’ or SSVs. We present the derivation of these limits and some key arguments for and against their use. We also discuss the uncertainties with these SSVs and the statutory limits for sewage sludge.

What are your views on the SSVs and their technical basis?
Would they provide better protection of soil?
What practical problems would there be around their potential use for MBT CLO? We would welcome references to other published scientific or technical evidence supporting or challenging these SSVs.

Soil Screening Values would not be consistent with the soil limit values that apply to the spreading of organic materials to land. As already highlighted, AfOR believe that a consistent approach should be adopted across the field as highlighted earlier in the response.

9. Does the guidance clearly set out the scientific data and information that must be reported to us? If not, please explain why.

Yes, we believe the guidance is quite clear with regard to these aspects.

10. The guidance only applies to the outputs from treatment processes that include a biological treatment stage – aerobic composting or anaerobic digestion. Should our approach be extended to cover outputs from processes that do not involve biological treatment, such as the mechanical-heat treatment (MHT) of mixed municipal solid wastes through autoclaving?

Yes, if outputs from these processes are likely to be applied on agricultural land, but they are usually destined to waste-to-energy plants or cement kilns.

11. In Appendix 3 we estimate the additional costs of collecting and analysing the prescribed samples for a typical trial, and how these may impact on the cost per tonne of CLO and on the cost per tonne of a typical crop. We have used reasonable but conservative assumptions on rates of CLO application and crop yield. Do you consider these to be reasonable and realistic estimates? If not, please explain why.

The estimated cost will be very high, almost prohibitive, for the MBT operators wishing to apply CLOs on agricultural land. AfOR highlights that these costs could be potentially diminished by reducing the number of determinands to be tested in the soil and the crop to the essential ones. This has already been highlighted in the answers to question 3 above. It is essential that costs imposed are proportionate to the risk posed, this does not appear to be the case proposed.

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