



Wasteconsultation@epa.ie

By email

01/08/2014

Dear Sir/Madam,

The IWMA has reviewed your 'Draft For Consultation – June 2014' document on 'EWC Chapter 17 and 19 Codes' as well as your 'Draft for Consultation – June 2014' document on 'EWC 19 12 09'. We suggest that these documents must be considered together due to the overlapping nature of the subject matter.

We understand the rationale that has been used in the EPA's draft viewpoint on these codes, but we suggest that there is scope for an alternative viewpoint that we believe has merits, particularly in relation to recycled aggregate recovered from mechanical processing of C&D wastes, even when this material is co-processed with non-C&D material of a similar nature.

The EWC coding is clearly based on the source of the waste and in many cases waste material has a primary source and a secondary source after it has been mechanically treated. We suggest that the primary source should be used, when it is clear that all the waste material has originated from that primary source and the secondary source should only be used when the mechanically treated material is derived from more than one source and cannot be accurately described, based on a single primary source code.

For example, recycled aggregate that comprises a mix of concrete, bricks, tiles and ceramics (not containing dangerous substances) should be coded 17 01 07 rather than 19 12 09 or 19 12 12, even after mechanical processing where the material may have come into contact with other non-C&D materials. If the aggregate contains dangerous substances it should be coded 17 01 06.

C&D fines, on the other hand cannot be classified as any 17 or other primary source code as this material cannot be accurately described under a 17 Code. EWC 17 05 04 is described as 'soil and stones', which is not consistent with 'C&D fines', which is derived from mechanical treatment of C&D waste (with or without other skip waste that is not C&D in origin) and is expected to contain a significant portion of non-soil materials such as fines from plasterboard, wood, etc. We recognise that this material

has the potential to contaminate the water environment and as a 19 code we expect and agree that it will be prohibited from use in un-lined backfill sites.

Assuming that the Agency agrees that there is scope to code recycled aggregate as 17 01 07, we suggest that this is preferable, as licensed and permitted backfill sites are generally allowed accept 17 01 07, but not allowed to accept 19 12 09 or 19 12 12. If recycled aggregate is prohibited from use as backfill (in this controlled and regulated way), the only outlet left appears to be landfill and while there is scope for use of some such material as engineering in landfill, this scope is reducing and recycled aggregate may have to be disposed at landfill rather than recovered in the future. This would have enormous consequences as Ireland would fail to meet our C&D waste recycling targets, as required by the Waste Framework Directive, i.e. 70% by 2020 and rising.

Licensed or permitted backfill/soil recovery sites are obliged to implement waste acceptance criteria and obliged to provide evidence that material used to backfill these sites is fit for purpose and will not lead to contamination of the water environment. Enforcement of these obligations is critical and is fully supported by our members. Lack of enforcement at these sites provides a ready outlet for C&D fines for unscrupulous operators, regardless of EWC guidance provided by the Agency. If a criminal wishes to hide behind a false code (e.g. 17 05 04 for C&D fines rather than 19 12 09 or 19 12 12), it is only enforcement at the permitted and licensed sites that will detect the crime. Guidance on coding only impacts the compliant operators, it does not impact on the criminals.

Limiting the end-use of recycled aggregate to landfill will also have serious consequences on the viability of the skip business for some of our members. Compliant operators will have to transport recycled aggregate long distances to find landfill outlets as landfills are now restricted to the east of the country. This adds major costs to compliant businesses, costs that we suspect will not be incurred by unscrupulous operators and the shift from highly regulated to poorly regulated or unregulated operators will accelerate.

Enforcement of licensed and permitted sites is much easier and more effective than enforcement of skip operators, so allowing recycled aggregate to be used in backfilling operations at licensed and permitted sites is enforceable in our opinion, but limiting recycled aggregate to landfill will lead to a situation where the unscrupulous operators will dump this materially illegally or under false codes and will undercut the compliant companies, some of whom will incur very high transport costs to find a landfill. Using a haulage vehicle to transport 20 tonnes of recycled aggregate from the west of Ireland to be used in a landfill in the east of Ireland makes no practical sense and only encourages rogue activity.

We are also concerned about the difficulty in tracking C&D fines if they are coded 19 12 12, particularly if recycled aggregate is also coded 19 12 12 (where it has been processed alongside non-C&D materials). Other materials that are typically coded 19 12 12 include stabilised biowaste and RDF that has had limited processing as well as other materials rejected from mechanical processing of wastes. Tracking these materials is important for a variety of reasons and over-use of 19 12 12 could be problematic in that regard.

In light of the above, we suggest that you consider the following use of EWC Codes:

EWC	Material	Source	Permitted End Use
17 01 07	Recycled Aggregated comprising concrete, bricks, tiles and ceramics (assume that natural stone is OK also in this mix)	Primary source is C&D waste, secondary source can be mechanical treatment of skip waste including C&D waste	Backfill at permitted and licensed soil recovery sites and landfill engineering, subject to evidence of being uncontaminated
17 05 04	Soil and stones (no C&D fines)	Excavation of uncontaminated sites and not mixed with other materials, particularly plaster or plasterboard	Backfill at permitted and licensed soil recovery sites and landfill engineering, subject to evidence of being uncontaminated
19 12 09	C&D Fines	Mechanical processing of C&D materials, with or without other non-C&D skip wastes.	Landfill cover or landfill disposal unless decontaminated by washing or other process
19 12 12	Stabilised Biowaste and other outputs from mechanical treatment of wastes that cannot be defined as a single material under another EWC Code	MSW, C&D or other	Landfill cover, landfill disposal or recovery through EfW or other licensed facilities

An example is as follows:

A typical skip from an extension to a house might contain broken bricks, soil, wood, branches, some furniture, an old carpet, plasterboard and cardboard packaging. This skip is difficult to define as C&D or household as it contains both. We suggest that it should be defined as mixed C&D (17 09 04) or bulky waste (20 03 07) depending on whether the C&D waste or the bulky waste is dominant. This is not critical in our proposed interpretation because it does not affect the coding of the output materials.

A grab machine pulls out the bulky household waste including the furniture and carpet and these materials are coded 20 03 07 (Bulky waste).

The grab machine also pulls out the wood and this is coded 17 02 01 (C&D wood).

The grab machine also segregates the branches and these are coded 20 02 01 (biodegradable garden and park waste).

The plasterboard is removed by the Grab Machine or by hand and this is coded 17 08 02 (Gypsum based construction material).

The remaining material is put through a C&D waste processing line and this segregates the cardboard as 15 01 01 (cardboard packaging), the bricks as 17 01 07 as described above and the C&D fines as 19 12 09.

I suggest that a meeting between the EPA and the IWMA would be very helpful in discussing this matter further.

Yours sincerely



Conor Walsh
IWMA Secretary

c/o SLR Consulting,
7 Dundrum Business Park
Windy Arbour
Dublin 14.