



IRISH WASTE MANAGEMENT
ASSOCIATION

Proposed National Hazardous Waste Management Plan
Environmental Protection Agency
PO Box 3000
Johnstown Castle Estate
Co. Wexford
Ireland

Date: 31 January 2008

Re: *PNHWMP Consultation*

Dear Sir/Madam,

Further to Agency's publication of a Proposed National Hazardous Waste Management Plan on the 7th November 2007 and its subsequent call for submissions on the aforementioned plan, please find attached comments from the Irish Waste Management Association (IWMA) that we hope prove constructive to your consultation process.

The Irish Waste Management Association (IWMA) is affiliated to both IBEC and the European Federation of Waste Management (FEAD) and is the recognised national representative body for the private waste management industry in Ireland.

The IWMA would like to request a meeting with the Agency on matters raised in our submission at a mutually agreeable time. We feel that this would be constructive to a consultative process such as this.

If you have any queries on this document, please do not hesitate to contact me. Many thanks in advance.

Kind Regards

Erik O'Donovan
Secretary
IWMA

IWMA Comments on the Proposed National Hazardous Waste Management Plan 2008-2012

Key Elements of Proposed Plan

Some of the key elements identified by the industry in the proposed plan are:

1. Desire to Capture Unreported Hazardous Waste and Move it into a Reported and Regulated Regime
2. Desire to strive for Self-sufficiency in Treatment Capacity
3. Education and Prevention of Hazardous Waste
4. Implementation of the Proposed Plan

Element 1: Desire to Capture Unreported Hazardous Waste and Move it into a Reported and Regulated Regime

Section 4 of the proposal reflects a desire to capture and manage the ‘unreported’ hazardous waste streams from household/agricultural/small business sources that currently fall outside the regulated management route (i.e. IPPC and Waste Licensed sites). The draft plan proposes the following actions for the following sectors.

Table 1: Proposed Priority Unreported Sectors and Actions

Priority Sector	Proposed Actions
Garages (Section 4.2.1.1)	<ul style="list-style-type: none"> • EPA guidance and national awareness campaign on best practice for the sector • A pilot scheme on the merits of regulating the garage sector • Regulation that waste operators provide local authorities with information on customers and waste quantities collected.
Farms (Section 4.2.1.2)	<ul style="list-style-type: none"> • Possibility of PRI for producers of animal and plant protection products. • EPA study of current hazardous farm waste generation and management will recommend course of action.
Ports and Harbours (Section 4.2.1.3)	<ul style="list-style-type: none"> • Dept. Transport and Marine develop guidance on managing waste.
Healthcare risk waste from small sources (Section 4.2.1.4)	<ul style="list-style-type: none"> • EPA to engage HSE on an initiative.
Industrial Estates & Commercial Clusters (Section 4.2.1.5)	<ul style="list-style-type: none"> • LA Green Business Officers to assist this business grouping (sectorally or geographically) to form networks in order to get collective deals on waste services for waste that would be otherwise be commercially unfavourable to collect.
Other Sectors (Section 4.2.1.6)	<ul style="list-style-type: none"> • LA enforcement • Dept. Education to look at collective solution for school lab waste

The draft plan proposes the use of the following solutions:

- Access to an upgraded local authority civic amenity sites (CAS) network, with arbitrary milk runs;
- Retail take back and/or producer reverse logistics; and
- Producer responsibility initiatives (PRIs) for certain waste streams.

The Consultation Paper asks the questions

Consultation Question: The Proposed Plan recommends priority actions in relation to garages, farms, ports and harbours, small-scale healthcare risk waste, industrial estates and general enforcement.

Are there other major sources of unreported hazardous waste should be dealt with as a priority?

Have you other suggestions for the management of unreported hazardous waste?

and

Consultation Questions:

The Proposed Plan recommends that civic amenity sites provide an essential service for the collection of hazardous waste from householders and small businesses. Comments on these proposals are welcome.

Comments are welcome on the idea that local facilities should be provided for small-scale asbestos arisings.

Are there other realistic collection models do you think merit consideration?

and

Consultation Questions:

The Proposed Plan recommends that producer responsibility should form part of the solution for hazardous waste collection. Comment is welcome on this idea.

Are there other hazardous waste streams do you think are realistic candidates for producer responsibility obligations?

IWMA Comments:

IWMA acknowledges and supports the need to move unreported waste into the sphere of reported waste and believes the keys to delivering this aim are (a) education of waste

producers/holders (b) enforcement and (b) improving accessibility of this waste to appropriate collection and management outlets.

IWMA has no major comment to offer on the priority waste streams chosen except:

- Paint is likely to be the largest stream from the public
- The industry that 4 regional storage locations could be developed for unreported radioactive waste. These locations could be developed as Joint Ventures between the industry and the relevant competent authorities e.g. Health Service Executive (HSE). Enforcement by the RPII will also be important here.
- Ports require funding for port side storage facilities of hazardous waste.
- Consideration should be given to the concept of ‘soil hospitals’ seen in the reclamation of contaminated soil in the Netherlands. This concept allows for in-situ treatment and soil reuse in Docklands reclamation projects such as Dublin and Cork.

IWMA acknowledges the merit and requirement to:

- Create economies of scale where it was uneconomical to collect previously unreported waste streams.
- Explore the potential of collection options outlined for these unreported waste streams (Table 12, Section 4.2).

However, the Association has some concerns around the actual implementation measures outlined in the proposal:

- *Operational Standards* – IWMA seeks reassurance from the EPA that collection options developed for unreported waste do not undermine existing environmental standards or best operational practice within the reported and commercial waste management sector.
 - IWMA believe that the waste industry must be consulted on the development of the proposed code of practice for accepting hazardous waste at CAS. The industry also believes that similar but appropriate standards should be set for other static collection options (e.g., retail take-back) chosen, in line with the precedent set for WEEE.
 - In principle, improving access to unreported waste through the selective use of CAS may be the way forward, however our concerns include:

- Maintenance of ADR requirements at CAS - operatives who accept/fill/package hazardous waste must be trained and certified to do so.
- Dangerous Goods Safety Advisers (DGSA) should be provided for CAS.
- Staff turnover prevalent in local authorities must not mean loss of trained/certified operators at CAS. Competence must be retained.
- The acceptance criteria at CAS, 'low level' material (i.e. non-reactive material) should be accepted but not reactive materials such as lab smalls and flammables etc. Consideration should be given to packing materials at minimum quantities for most materials except paint.
 - Asbestos is a contentious, political and insurance driven issue. For small quantities of unreported waste we suggest that a web site details how this material should be packed. The packing material and labels should be made available for purchase at the CAS. Asbestos lagging should not be accepted at CAS, just bound asbestos such as tiles etc.
 - Hazardous waste from industrial producers (say on the scale of IPPC and Solvents Directive) should not be accepted at CAS unless it meets predefined levels and criteria.
- Retail take back also has merits in context. IWMA believe that the waste industry must be consulted on proposals for the use of reverse logistics in the retail supply chain that may arise from this plan. The industry believes there should be reasonable standards and thresholds on such proposals in order to avoid undermining the waste collection permit system. Finally the Association believes that retail operators need to be consulted on such initiatives so as to avoid difficulties with take-back later.
- IWMA believes that the potential for all-island co-operation should be explored. However, competitive issues that arise around potential differences in regulatory/operational standards on both sides of the border must be a consideration in this approach. A level competitive pitch for all operators must be encouraged when fostering all island initiatives.
- *Charging Mechanisms and Tonnage Thresholds for Business Waste Accepted at CAS* – While encouraging the collection of waste that would otherwise go unreported/uncollected, the quantities of business waste accepted at CAS and the 'not for profit' charging mechanism for business waste at CAS should not lead to a leakage of waste from the reported and commercial waste management sector. The IWMA wish to be consulted on any proposed thresholds of business waste quantities accepted at CAS/other static collection points. The definition of a SME

in Ireland has a broader application than elsewhere in Europe. IWMA has legitimate competitive concerns and potential for waste tourism by business that should avail of commercial waste services. The industry is not convinced that local authorities will apply a ‘not for profit’ approach to waste acceptance at CAS. Experience shows that local authorities frequently apply a principle of ‘all costs’ – which frequently includes a lot of vaguely linked or duplicated costs derived from other functions/services. IWMA believes that any local authority not for profit charging mechanism should be fully transparent. The IWMA agrees with the proposed recommendation that a consistent implementation approach must be taken by all local authorities to prevent business quotas being exceeded. However the plan does not indicate how this will be co-ordinated.

- The IWMA agrees with the use of competitive collective tendering of mobile collection and the management of waste deposited at CAS.
- The waste industry believes it should be consulted by the proposed working group that progresses the recommendations of Section 4.
- The waste industry believes it should be consulted on proposals for any new PRIs deemed necessary to progress the recommendations of Section 4.
- Open days at licensed waste facilities, subject to regulatory agreement, should also be considered in the proposed collection options.
- The proposal is unclear on its preferred policy, economic or enforcement drivers for implementation.

Element 2: Desire to strive for Self-sufficiency in Treatment Capacity

Section 6 of the proposed plan reflects a desire to increase the State's self-sufficiency in hazardous waste management capacity. The proposed plan explores:

- On-site/in-situ treatment (at the point of generation) options
- Off-site treatment (at an authorised waste management installation or another IPPC installation) and
- The potential for all-island waste treatment options in Ireland.

The Consultation Paper asks the questions

Consultation Question: The Proposed Plan recommends that Ireland should strive for greater self-sufficiency in the management of its own hazardous waste, where economically and technically feasible. What are your views on this issue?

and

Consultation Question:

The Proposed Plan recommends that contaminated soil should preferably be treated in Ireland where technically and economically feasible. Comment is welcome on this recommendation, on the options presented and on other realistic options that are not mentioned but merit consideration.

and

Consultation Question:

The Proposed Plan recommends that a range of infrastructural developments need to take place if Ireland is to strive for increased self-sufficiency in the management of hazardous waste. These developments include:

- Increased solvent recycling (on-site and off-site of generation in Ireland);
- the use of cement kilns and other combustion plant;
- Incineration;
- alternative technologies;
- landfill; and
- physico-chemical treatment.

It is noted that the further development of any of these options will individually take Ireland one step closer to the Proposed Plan's recommended aim of striving for increased self-sufficiency in the management of hazardous waste.

Do you have views on the treatment options presented?

Are there other realistic techniques and technologies that merit consideration?

Do you have views on the potential for all-island solutions for the disposal of hazardous waste?

IWMA Comments:

- IWMA supports the proposed plan's recommendation that Ireland should strive for greater self-sufficiency in the management of its own hazardous waste, where economically and technically feasible (Section 6.2). We agree that a suite of treatment options¹, based on economic and technical feasibility, are required to achieve this aim and support the exploration of potential all-island solutions for

¹ Recycling, incineration, co-incineration, alternative technologies, landfill and physico-chemical treatment.

the disposal of hazardous waste. However IWMA stresses that the plans approach must:

- For European Internal Market and national competitive reasons, encourage indigenous initiatives where feasible rather than simply seek to regulate against export and
 - Not restrict producers management options to just one facility for national competitive reasons.
-
- The industry agrees that grant support or tax concessions should be made available to assist in the development of hazardous waste technologies and the commercial development of treatment capacity. IWMA acknowledges the engagement of development agencies with our industry to date. We suggest that the proposed plan recommend that the development agencies expand this engagement with the waste industry in developing tailored support products and competence centres that develop the indigenous waste sector similar to WRAP programmes in the UK (Section 6.7). IWMA is willing to engage with both the Agency and development agencies on this point.
 - We would query the reports assertion that ‘it appears appropriate that providing landfill capacity for asbestos waste should be actively promoted and pursued by public authorities’ (Section 6.5), given the fact that expertise to date appears to reside in the private sector. The development should be open to both public and private entities. IWMA supports an EPA study into the technical and economic aspects of developing hazardous waste landfill generation. However, IWMA would raise competitive concerns around the implications of potentially limiting the total disposal of hazardous waste to just one facility on the island.
 - IWMA supports the proposed EPA studies into identifying economical and technical barriers to developing hazardous waste recycling capacities (Section 6.4) and believes a similar study should be done on any potential barriers to co-incineration. Potential regulatory barriers should also be explored in all of these studies.
 - The proposal mentions a possible role for the Market Development Group for waste resources (MDG)² in assisting the support and marketing of products developed from hazardous waste. At the time of writing the MDG has produced a Market Development Programme for Waste Resources 2007-2011³. This programme currently focuses on plastic, paper and organic wastes, has not been implemented by the DEHLG. IWMA recommends that the finalised NHWMP actively calls for the implementation of the Market Development Programme by the DEHLG and the inclusion of hazardous waste within the MDG programme’s remit during the lifetime of the NHWMP.

² Stakeholder group formed in 2004 from the DEHLG policy document, *Delivering Change*, 2002.

³ Launched in 10/4/07.

Element 3: Education and Prevention of Hazardous Waste

Section 5 of the proposed plan provides for a focus on education and prevention for producers through the EPA's national waste prevention programme.

The Consultation Paper asks the question:

Consultation Question:

The Proposed Plan recommends a sectoral-based prevention programme for hazardous waste to be undertaken by the existing National Waste Prevention Programme.

Comment is welcome on the prioritisation of sectors and the proposed approach to hazardous waste prevention in these sectors and in a general sense.

Are there other sectors that merit consideration for priority action?

IWMA Comments:

- IWMA supports the sectoral-based prevention programme outlined in the proposal. Work carried out by IBEC on a waste prevention programme should be adopted for these Sectoral groups and actively promoted by the EPA under the National Waste Prevention Programme. To maximise potential success, IWMA suggests that the relevant Sectoral groups be engaged in the proactive development and delivery of these programmes. This could be progressed by the creation of Sectoral competence centres of excellence at the 'production management' level of producers.
- While supporting waste prevention in principle, absolute restraints on waste generation proposed in last plan are unfeasible economically and an effective cap on inward investment. The plan and economic development must be considered together.

Element 4: Implementation of the Proposed Plan

Section 2 of the proposal recommends regulatory consolidation and further regulation in implementing the plan.

The proposed plan has 30 recommendations to be solely implemented by public sector bodies. The Consultation Paper asks the questions:

Consultation Question:

The Proposed Plan recommends a number of targets and indicators designed to monitor progress towards Plan and environmental objectives. Comment is welcome on these proposals.

Are there other realistic targets and indicators that merit consideration?

and

Consultation Question: The Proposed Plan recommends the consolidation of existing regulations and the making of new regulations in relation to hazardous waste. Are there other hazardous waste issues that should be regulated that are not already provided for in law?

IWMA Comments:

- The last plan was a welcome start. IWMA recognises the strategic importance of a new national hazardous waste management plan.
- The implementation committee of the last plan was a misnomer as it only oversaw the plan. The proposed plan envisages the National Waste Prevention Committee as an ‘oversight body’ and the EPA as a ‘co-ordinator’. Any implementation needs a committee that has powers to get the job done. While the new plan has indicators, it is still unclear on accountability for non-implementation.
- While the plan provides for studies into choosing appropriate options for unreported waste, the plan is uncertain on what happens next, who takes the decision and who or how this choice will be implemented.
- IWMA believes that the Section 8 on implementation should be revised to reflect later engagement with relevant stakeholder groups who either generate or manage the relevant waste streams.
- While the proposed national hazardous waste management plan provides a framework it is unclear on its link to other waste related planning e.g. regional waste management plans and the National Development Plan (NDP) recognised by other bodies such as An Bord Pleanála and local government etc.. The finalised national hazardous waste plan should have some integration into regional waste management plans and the NDP to better facilitate implementation and delivery.
- Looking at priorities in the last hazardous waste plan, there has been slow progress. The industry is still experiencing significant licensing and planning

- delays. Delays of 46 months have been experienced (and in some cases remain unresolved) over the lifetime of the last five year plan. The new plan must support implementation of infrastructure and services.
- As a general comment S.I. no. 73 of 2000 is missing from the overview on national legislation for hazardous waste (Section 2.3).
 - While the IWMA acknowledges the need for implementation to be underscored by regulation, we believe in the principle of better⁴ not further regulation as outlined in the proposal. In 2007, a draft pilot study that measured the administrative cost of waste collection permits to business, under SI 402 of 2001, was carried out by the High Level Group on Business Regulation, chaired by Department of Enterprise Trade and Employment in 2007 (www.betterregulation.ie). Local authorities and IWMA membership participated in the study that found:
 - The estimated annual administration cost of applying for waste collection permits and associated procedures (reviews, material changes, amendments, reporting - AERs) was just under €13 million to the private waste sector. The annual administrative cost of simply applying for the permits was found to be €4 million.
 - It was felt that there was significant room for removing duplication, reducing administrative burden while still safeguarding the shared goal of regulation.
 - The finalised NHWMP should recommend that the interpretation and implementation of new legislation such as Waste Management (Collection Permit) Regulations 2007 (SI No. 820 of 2007) should not increase the administrative burden to business that results in the non-implementation of the plan.
 - IWMA supports regulatory reform of the ‘C1’ consignment note along the lines of the recent reform of the transfrontier waste (TFS) system under S.I. No. 419 of 2007.
 - IWMA believes that the proposal to register hazardous waste producers should include a provision that these producers maintain hazardous waste producers that are open to inspection by the competent authorities.

⁴Government’s White Paper on Better Regulation, ‘Regulating Better (Department of An Taoiseach, 2004)’.

Summary of IWMA Comments on the PNHWMP:

Element 1: Desire to Capture Unreported Hazardous Waste and Move it into a Reported and Regulated Regime

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IWMA has no major comment to offer on the priority waste streams chosen except:

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IWMA acknowledges the merit and requirement to:

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However, the Association has some concerns around the actual implementation measures outlined in the proposal:

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standards should be set for other static collection options (e.g., retail take-back) chosen, in line with the precedent set for WEEE.

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- *Charging Mechanisms and Tonnage Thresholds for Business Waste Accepted at CAS* – While encouraging the collection of waste that would otherwise go unreported/uncollected, the quantities of business waste accepted at CAS and the ‘not for profit’ charging mechanism for business waste at CAS should not lead to a leakage of waste from the reported and commercial waste management sector. The IWMA wish to be consulted on any proposed thresholds of business waste quantities accepted at CAS/other static collection points. The definition of a SME in Ireland has a broader application than elsewhere in Europe. IWMA has legitimate competitive concerns and potential for waste tourism by business that should avail of commercial waste services. The industry is not convinced that local authorities will apply a ‘not for profit’ approach to waste acceptance at CAS. Experience shows that local authorities frequently apply a principle of ‘all costs’ – which frequently includes a lot of vaguely linked or duplicated costs derived from other functions/services. IWMA believes that any local authority not for profit charging mechanism should be fully transparent. The IWMA agrees with the proposed recommendation that a consistent implementation approach must be taken by all local authorities to prevent business quotas being exceeded. However the plan does not indicate how this will be co-ordinated.
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- The waste industry believes it should be consulted on proposals for any new PRIs deemed necessary to progress the recommendations of Section 4.
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- The proposal is unclear on its preferred policy, economic or enforcement drivers for implementation.

Element 2: Desire to strive for Self-sufficiency in Treatment Capacity

- IWMA supports the proposed plan’s recommendation that Ireland should strive for greater self-sufficiency in the management of its won hazardous waste, where economically and technically feasible (Section 6.2). We agree that a suite of treatment options⁵, based on economic and technical feasibility, are required to achieve this aim and support the exploration of potential all-island solutions for the disposal of hazardous waste. However IWMA stresses that the plans approach must:

⁵ Recycling, incineration, co-incineration, alternative technologies, landfill and physico-chemical treatment.

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- IWMA believes that the proposal to register hazardous waste producers should include a provision that these producers maintain hazardous waste producers that are open to inspection by the competent authorities.

We hope that these comments prove constructive to the review and the IWMA look forward to the finalisation of the second National Hazardous Waste Management Plan. If you have any queries regarding our submission, please do not hesitate to contact me.

⁸Government's White Paper on Better Regulation, 'Regulating Better (Department of An Taoiseach, 2004)'.