

## Enforcement in the Waste Sector

### The Problem with a Two Tier System

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#### **Presentation Covers:**

- 1. IWMA Members, Services and Facilities
- 2. Ireland's Current Performance in Waste Management
- 3. Two-Tier Enforcement





## IWMA Members - Non Hazardous

































































### IWMA Members - Hazardous

















#### Our Service

#### **IWMA Members:**

- Employ 4,287 people directly.
- Recover more than 80% of the waste we collect.
- Collect 845 Kt/a of C&I wastes (76% of total)
- Collect 170 Kt/a of C&D waste.
- Collect and Manage 266Kt/a hazardous waste.
- Service 874,000 houses (c.73% of market)
- Collect 1.02 tonnes per household (895Kt total)
- Provide Green Bins to all customers
- Provide Brown bins to 418,000 customers and growing





# Our Facilities

Type of Facility	Number of Facilities	Licensed Capacity (tonnes)	2013 Throughput (tonnes)
Licensed Non Hazardous Mechanical Treatment Facilities (incl. recycling & transfer)	38	4,038,930	2,211,607
Permitted Non Hazardous Mechanical Treatment Facilities (incl. recycling & transfer)	21	763,900	467,583
Licensed Biological Treatment Facilities	4	206,000	119,751
Licensed Energy from Waste facilities	2	820,000	220,000
Residual Waste Landfill	1	360,000	310,900
Licensed Hazardous Waste Transfer & Treatment Facilities	11	513,257	226,390
Totals =	77	6,697,087	3,556,979

## IWMA in Partnership

- New Pay by Weight Regulations Engagement with DECLG
- New Regional Waste Management Plans Engagement with Regions
- Developments in Irish Waste Policy Engagement with DECLG
- Developments in EU Waste Policy Engagement with EU Commission via FEAD
- Waste Collection Engagement with NWCPO, Dublin CC and Kildare CC
- Waste Exports Engagement with NTFSO
- Producer Responsibility Schemes Engagement with DECLG, REPAK, WEEE Ireland.
- Enforcement of Licensed Sites Engagement with EPA
- Enforcement of Permitted Sites Planned Engagement with new Lead Authorities
- ▶ Enforcement of Criminal Activity Engagement with Various Authorities



## Where Partnership Breaks Down

#### Press Release from EPA:

#### "Half of legal actions taken by EPA in 2013 were against waste operators"



Over 90 per cent of complaints to the Environmental Protection Agency (EPA) about waste facilities concern odour.

Date released: Mar 04 2015

#### **IWMA Response:**

Report highlights improvements in recycling and waste management by private operators However, benchmarking with other industrial sites is considered inappropriate Calls for EPA's enforcement Role to be extended to all waste facilities, not just licensed sites.

"The number of successful prosecutions against private sector waste licensed sites averaged less than 3 per year over the last 15 years and only one waste licensed facility was successfully prosecuted in 2014. In the meantime complaints have fallen by 70%."

"IWMA members were disappointed that the EPA is benchmarking waste sites relative to other industrial sites. This is comparing apples with oranges."

"The materials processed at waste facilities also tend to be odorous, so it is unfair to compare odour complaints at waste facilities with odour complaints at other industrial plants."

## Ireland's Performance - EU Targets

#### **2012 EPA Data:**

- ✓ MSW Recycling = **45%** (2020 target of 50%)
- ☑ Packaging Waste Recycling = **74%** (target was 55% by 2011)
- ☑ Packaging Waste Recovery = **87%** (target was 60% by 2011)
- **WEEE** Recycling = **7.5** kg/person (target was 4kg in 2008)
- ☑ Batteries = **28%** collection rate (target was 25% in 2011)
- ☑ Diversion of Biodegradable MSW from Landfill = 2016 target met in 2013
- ☑C&D Waste Recycling = 97% (target is 70% by 2020)
- ☑We also Achieved the individual targets for Packaging, WEEE and Batteries



## MSW Management in 2014 (1)

#### Landfill Disposal in 2014 (from AERs)

Site Name	County	2014 Tonnage
Drehid	Kildare	284,930
Ballynagran	Wicklow	111,437
Rathroeen	Mayo	47,290
Powerstown	Carlow	47,230
Scotch Corner	Monaghan	45,591
Gortadroma	Limerick	44,749
Knockharley	Meath	7,391
North Kerry	Kerry	4,521
Donohill	Tipperary	2,410
	Total =	595,549



Drehid Landfill Co. Kildare



## MSW Management in 2014 (2)

Waste to Energy in 2014 (from AERs & TFS data)

Site Name	County	2014 Tonnage	
Carranstown	Meath	226,285	
Cement Kilns	Meath	149,881	
Export to Incinerators	Abroad	531,064	
Export to Cement Kilns	Abroad	6,778	
	Total =	914,008	





Carranstown WtE Co. Meath

## MSW Management in 2014 (3)

MSW Treatment in 2014 (unofficial IWMA estimate based on AERs & TFS data)

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Treatment	2014 Tonnage	%	Comments
Waste to Energy Recovery	914,008	35.5%	from AERs & TFS data
Other Recovery (organic fines)	50,000	1.9%	assumed (based on RDF production)
Landfill Disposal	595,549	23.1%	from AERs
Recycling	1,017,688	39.5%	calculated (total minus disposal & recovery)
Total =	2,577,245	100%	assumed growth of 1.5% per annum from 2012 plus 24Kt from NI.



Millenium Park Dublin

EPA & NTFSO Enforcement is certainly vigilant...



IRISH WASTE MANAGEMENT ASSOCIATION

But is enforcement missing the real criminal activity?

"Code Zulu!
Code Zulu!
Six-ounce
tube of styling
mousse here!"



Waste Enforcement in Ireland is missing the criminals

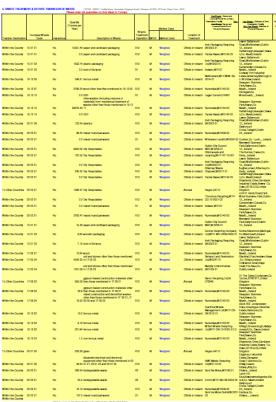




- The two-tier system is failing.
- Licenses are properly enforced, permits less so.
- > The criminals are not operating licensed sites, so the **EPA cannot prosecute them**
- > The **criminals** do not need licensed sites as they can present **false data** to stay within permit limits
- It is difficult for Local Authorities to enforce criminals due to the possibility of local intimidation and a lack of knowledge of the scams involved

- The EPA has prosecuted many waste companies and local authorities for non-compliance with their licences
- The evidence used is usually provided by the licensee in the form of monitoring data, investigative reports, quarterly/annual returns, incident reports, etc
- Criminals do not make it that easy for the authorities
- The local authorities make it easy for the criminals by hiding permit site returns in filing cabinets rather than making them publicly available on a website.
- In fact, the local authorities that hide such evidence inadvertently act as accomplices to the criminals.
- EPA efforts to comply with Aarhus Convention will make this situation worse, unless permit AERs are attached to those efforts.





- The local authorities are short on resources for enforcement, yet the NTFSO has prosecuted several IWMA members for exporting paper to paper mills.
- In each case where this has been challenged, the judge has agreed with the defendant that exporting paper to a paper mill is not a crime.
- These resources could have been better spent
- > These prosecutions have incurred **significant costs** as well as business interruption to the defendants
- Such cases are very stressful for the defendants.



Waste Paper for Export



Examples of Criminal Activity currently suspected in the Waste Sector, but not in the IWMA:

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- Illegal dumping of MSW (sometimes on permitted sites)
- Illegal dumping of C&D fines
- > Falsification of records including false weighbridge data
- False number plates on trucks
- No certification on trucks (tax, insurance, DoE)
- Non-payment of VAT and other taxes
- Use of laundered diesel

#### Example of Suspected Criminal Activity:

Truck caught dumping illegally, with false number plates that related to an IWMA member's truck that was decommissioned. (note the engine and gearbox removed in photo below)







Example of Suspected Criminal Activity:

Permitted Transfer Station used as a dump for skip waste.





#### Example of Suspected Criminal Activity:

> Suspected illegal dumping on permitted transfer station.







By Comparison, EPA Enforcement Priorities for Licensed Sites include the following:

- Damaged Hardstanding.
- Drainage Not Colour Coded.
- > Late Submission of Annual Environmental Report
- Inadequate Segregation of Wastes

Trivial compared to criminal activities described earlier.

Non Compliance Issued



After Cleaning



Non Compliance Issued



IWMA

MANAGEMENT ASSOCIATION

### Conclusions on Enforcement



- A single Enforcement Authority is Essential we suggest EPA (time & again).
- Consideration should be given to an 'environmental crime unit' within the authorities with Garda involvement to tackle the real criminals.
- Licensed sites are transparent, which greatly assists enforcement—It is essential that Permitted Sites be **equally transparent** (AERs on website). **Aarhus Convention** must apply to all.
- Permitted and licensed transfer stations & MRFs should all be required to have a weighbridge and must record all waste movements accurately.
- > **GPS tracking** of vehicles should be considered.
- Permitted sites should be inspected and audited more regularly and with a greater level of expertise perhaps EPA involvement in a training capacity.
- Without better enforcement, the criminals will take over the business and we will all pay for the clean-up. This particularly applies to the skip business. Illegal dumping of MSW and/or C&D fines provides a big competitive advantage to the criminals.

## Thank You for Listening