



Mr. Eoin Deegan
Waste Policy & Resource Efficiency
Department of the Communications, Climate Action and Environment
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Wexford
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Sent by email only to: eoin.deegan@dccae.gov.ie

26th January 2018

**Re: CONSTRUCTION AND DEMOLITION WASTE ACCEPTANCE LIMITS FOR
FACILITIES AUTHORISED UNDER WASTE FACILITY PERMITS AND CERTIFICATES
OF REGISTRATION**

Dear Mr. Deegan,

Further to receipt of your discussion paper on the above-referenced subject, I offer the following comments on behalf of the IWMA.

The IWMA is opposed to any increase in the thresholds for facilities that are authorised under a Waste Facility Permit (WFP) or a Certificate of Registration (COR) for the following reasons:

1. There is an inconsistency between enforcement of EPA licences and enforcement of WFPs, as well as different environmental standards.
2. There is an inconsistency in transparency between EPA licences and WFPs.
3. There has been a significant increase in soil recovery capacity since the publication of the Regional Planners' report in December 2016.

We provide some further detail below.

Enforcement and Environmental Standards

The IWMA has called for consistent enforcement of licences and permits for many years now. Time and again, we have seen a response whereby the EPA has put more time and resources into enforcement of licensed sites, but many permitted sites appear to operate in an enforcement vacuum.

Whilst we welcomed the establishment of the WERLAs and we recognise the good work that they have done to date and continue to do, the burden of enforcement of waste permits lies with a large number of local authorities, with the result that enforcement is inconsistent.

We recognise that some local authorities are pro-active in this regard, but we note that some local authorities are slow to engage when confronted with clear and obvious non-compliances and even slower to commence enforcement action. This has led to blind spots

in some counties, where poor environmental performance goes undetected or even worse, is tolerated.

In addition and in contrast to licensed sites, there is a lack of any waste acceptance procedures and/or chemical and physical limits which define the characteristics of material which can be accepted at WFP or COR sites. This can and has resulted in brownfield potentially contaminated materials being deposited in sites which afford no engineering protection to the environment or groundwater and so may present a risk to same.

In the licensed soil recovery sites, the soils must be tested every 2,000 tonnes for a range of chemical parameters, but sites operated under WFP or COR do not generally require soil testing. Also, groundwater monitoring is a standard requirement of licensed soil recovery sites, but not so at most WFP and COR sites. So whilst inert waste should not cause significant environmental impacts at these sites, there is no testing or monitoring to establish if all the waste accepted is actually inert. We suggest therefore that too much reliance is placed on the integrity of the waste producer, the haulier and the site operator at WFP and COR sites.

Increasing the tonnage limits on WFPs and CORs would clearly result in an increase in waste material being sent to facilities that are operated to a lower environmental standard compared with the licensed sites. The Precautionary Principle dictates that this would not be the best environmental option for the country in these circumstances.

Transparency

The IWMA is frustrated by the lack of transparency associated with sites that are operated under WFPs and CORs, whereby environmental information, including the quantities and types of wastes accepted and dispatched are kept confidential by many (but not all) local authorities.

In contrast, EPA licensed sites are very transparent. Every tonne of waste received and dispatched is reported in the Annual Environmental Reports and these are publicly available on the EPA website. Monitoring results are also made publicly available at licensed sites, so the public can see if the local atmosphere or the local water environment has been subjected to pollution from site emissions.

Transparency allows peer pressure to be applied when facilities are operating to poor environmental standards or when the operator provides false information to the authority. This peer pressure can be applied to licensed sites but cannot be applied to a permitted site if the annual environmental report is kept confidential by the local authority.

Allowing more waste go to permitted sites will exacerbate this problem and result in a lower level of environmental transparency. This is contrary to the principles established and agreed at the Aarhus Convention¹ and later recognised in EU Law.

Soil Recovery Capacity

The IWMA recognises that there are serious capacity issues for non-inert soil & stones, C&D fines, stabilised biowaste, incinerator bottom ash and recycled aggregate. However, these materials are not normally considered suitable for Class 5 or Class 6 permitted soil recovery facilities, unless it can be demonstrated that they are inert. Increasing the capacity of the permitted or COR sites will not help that situation.

Since the Regional Planners' report was published in December 2016, the following additional capacity for inert soil & stones has come on stream:

¹ The UNECE Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters

Licence No.	Operator	Location	County	Annual Tonnage	Total Capacity	Date Licensed
W0278-01	Roadstone	Platin	Meath	100,000	1,800,000	4 th Apr 2017
W0292-01	N&C Enterprises	Naas	Kildare	345,000	1,500,000	24 th Aug 2017
W0277-02	Roadstone	Huntstown	Dublin	1,500,000 ²	9,450,000	8 th Sep 2017
Total =				1,945,000	12,750,000	

In addition, the following licence applications are pending:

Application No.	Operator	Location	County	Annual Tonnage	Total Capacity	Date Applied
W0293-01	Roadstone	Calary	Wicklow	300,000	3,280,000	8 th July 2016
W0295-01	Kildare Sand & Gravel Ltd.	Rathangan	Kildare	225,000	2,250,000	16 th Dec 2016
W0296-01	Kilsaran Concrete	Kilmessan	Meath	400,000	5,600,000	18 th Apr 2017
Total =				925,000	11,130,000	

These developments are making a big difference to capacity for recovery of inert soil and stones and in light of these developments, the IWMA submits that the difficulties outlined in the 2016 report are now resolved.

Yours Sincerely,



Conor Walsh
IWMA Secretary

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² Increase from previously approved 750,000 t/a.