



By email to: article27@epa.ie

23rd June 2020

Re: Draft Guidance on Article 27 By-products issued in June 2020

Dear Sir/Madam,

In response to your Draft Guidance document on the above-referenced subject, I offer the following comments on behalf of the IWMA. The IWMA is comprised of just over 40 member companies that operate in the waste sector in Ireland. Our website, www.iwma.ie, provides details of our members.

We support the Agency's efforts to raise standards with the new guidelines and we recognise that this is designed to provide greater protection for the environment.

We offer a few comments, as follows.

The current consultation does not address soil and stone by-products as this was addressed in a guidance document that was finalised in June 2019. However, the issues raised by IWMA members are common to both guidance documents on Article 27 By-Products. Those issues are:

- The IWMA considers there is a need for increased and equal enforcement of Article 27 declarations as many potential End of Waste products have been declared as by-products and have been used with limited/no assessment of their potential impact on the environment or product performance
- The IWMA also considers that defined timelines should be specified for the Agency to make decisions, and for applicants to respond to queries (Section 3.3). The IWMA respectfully suggests there be a four week preliminary decision time between the receipt of an application and the Agency's initial review. Economic operators or other parties should not be allowed to move material in advance of the EPA preliminary decision on the declaration.
- The initial review can be similar to the planning application validation process, the objective being to identify those applications that are invalid i.e. do not contain the relevant information specified in Section 3.2. Once an application has been deemed invalid the Agency is no longer obliged to engage with the applicant seeking further information thereby freeing Agency resources to focus on assessing the valid ones. Any movements of material on the back of an invalid by-product declaration should be considered illegal waste disposal or recovery.
- If the EPA requests further information on a by-product declaration and this is not provided within a pre-defined period (e.g. 4 weeks) the EPA should determine that the declaration has lapsed and the material should be considered to be a waste.

Under the current system, IWMA members believe that a lot of material is moving in advance of authorisation and we fear that many such movements are happening on the back of invalid declarations.

The IWMA has no objection to the EPA charging a reasonable fee to process Article 27 declarations, with the proviso that the process is carried out swiftly and material is prevented from movement prior to the EPA's determination.

We hope that our comments are helpful to your efforts to improve the Article 27 process.

Yours Sincerely,

A handwritten signature in black ink that reads "Conor Walsh". The signature is written in a cursive style with a large initial 'C'.

Conor Walsh
IWMA Secretary

cwalsh@slrconsulting.com
www.iwma.ie