



National Hazardous Waste Management Plan,
Environmental Protection Agency.

By email only to hazwaste@epa.ie

15th September 2021

Re: Draft National Hazardous Waste Management Plan 2021-2027 – For Public Consultation

Dear Sir/Madam,

Further to your call for consultation on the above-referenced draft plan, we offer the following responses and comments on behalf of the Irish waste Management Association (IWMA). The IWMA is comprised of 42 members that operate roughly 50 waste companies, as shown below:



Our website, www.iwma.ie, provides details of our members. Note that some members have acquired other companies in recent years and therefore trade under several brand names.

Our members handle household, commercial, C&D, liquid and hazardous wastes and are involved in the following waste management activities:

- Waste Collection
- Waste Transfer
- Recycling Operations
- Composting
- Anaerobic Digestion
- Hazardous Waste Management
- Specialist Treatments (such as Sterilisation)
- Soil Treatment and Recovery
- Waste to Energy
- SRF Production
- Landfill Operations
- Export of Waste for Treatment Abroad

It is clear that the IWMA represents a broad spectrum of waste management activities, so we have no inherent bias towards or against any particular waste management options. Our main goals are to raise standards in the industry, to promote compliance with all legislation and to assist Ireland in meeting the targets set by the EU in a variety of Directives. All our submissions are available publicly on our website.

Opening Comments

We wish to compliment the authors of the draft Plan, which we find to be clear, concise, well written and well presented. We have a few observations and comments as detailed below.

Proximity Principle

In the Executive Summary and later in the document (e.g. Section 6.1 and 2.1), the Proximity Principle is described as “*such that hazardous wastes are treated as close to the point of production as possible*” and “*waste should be dealt with as near to the place of production as possible*”.

We suggest that this is not fully consistent with the principles of Self Sufficiency and Proximity, as laid out in Article 16 of the Waste Framework Directive (WFD)¹, and if taken literally, could lead to anti-competitive behaviour.

Article 16 of the WFD requires the establishment of an integrated and adequate network of waste disposal and waste recovery facilities across EU Member States and that network should enable waste to be disposed or recovered at one of the nearest appropriate installations, by means of the most appropriate methods and technologies, in order to ensure a high level of protection for the environment and public health.

The definition in Article 16 of the WFD provides choice, which is important for competition and for selecting the most appropriate treatment in terms of environmental protection. So hazardous waste does not have to be treated at the nearest possible place from the point of production. It should be treated at one of the nearest appropriate installations, by means of the most appropriate methods and technologies, in order to ensure a high level of protection for the environment and public health.

¹ DIRECTIVE 2008/98/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 19 November 2008.

There are other references to the proximity principle in the draft Plan that suggest that exporting hazardous waste does not align with the Proximity Principle. We suggest that the principles of Self Sufficiency and Proximity, as laid out in Article 16 of the WFD, recognise the need for export of certain wastes. For example, Article 16 (2) states:

“The network shall be designed to enable the Community as a whole to become self-sufficient in waste disposal as well as in the recovery of waste referred to in paragraph 1, and to enable Member States to move towards that aim individually, taking into account geographical circumstances or the need for specialised installations for certain types of waste.”

So export of hazardous waste is not inconsistent with the Proximity Principle, but support for the development of indigenous waste infrastructure to enhance self-sufficiency in Ireland is consistent with the principles laid out in Article 16.

Perhaps the text could be altered slightly to promote self-sufficiency without suggesting that export is contrary to the proximity principle. Export to an appropriate facility using appropriate technology should always be an option, even if there is appropriate treatment available in Ireland, as competition is important in the context of the Irish Economy. Indigenous facilities must be able to compete with the export market in a well-functioning economy.

Specifically, we suggest the following changes to the draft Plan:

Executive Summary and Section 2.1 (page 4)

Existing text:

3. Endorse the proximity principle such that hazardous wastes are treated as close to the point of production as possible – including within Ireland, where feasible;

Proposed text:

3. Endorse the principles of self-sufficiency and proximity to support the development of new hazardous waste treatment infrastructure in Ireland, whilst recognising the need to export hazardous wastes to other European countries for appropriate treatment with a high level of protection for the environment and public health;

Existing text:

4. Support effective **regulation** of the movement and disposal of hazardous wastes in line with national policy priorities;

Proposed text:

4. Support effective **regulation** of the movement and management (disposal / recovery / reuse) of hazardous wastes in line with national policy priorities;

Section 2.2 (page 5)

Existing text:

However, widespread use of this approach does not align with the proximity principle and exposes Ireland to a risk from a deficiency in waste management capacity should export routes be closed.

Proposed text:

However, widespread use of this approach exposes Ireland to a risk from a deficiency in waste management capacity should export routes be closed.

Section 5.9 (page 37)

Existing text:

However, the trend is showing increased volumes of contaminated soil being exported, which is a costly solution that is contrary to the proximity principle, and also represents a net loss of the Irish soil resource.

Proposed text:

However, the trend is showing increased volumes of contaminated soil being exported, which is a costly solution and also represents a net loss of the Irish soil resource.

Section 6.1 (page 38)

Existing text:

6.1 Proximity principle

The proximity principle is well recognised in waste management and directs that as a general rule, waste should be dealt with as near to the place of production as possible.

Proposed text:

6.1 Principles of Self-sufficiency and Proximity

The principles of self-sufficiency and proximity are well recognised in waste management and promote the establishment of an integrated and adequate network of waste recovery and disposal installations in the EU and promote the movement of individual member states towards self-sufficiency in that regard. The network shall enable waste to be recovered or disposed in one of the nearest appropriate installations, by means of the most appropriate methods and technologies, in order to ensure a high level of protection for the environment and public health.

Footnote: Note that the principles of proximity and self-sufficiency do not mean that each Member State has to possess the full range of final recovery and disposal facilities within that Member State.

Introduction

After “While production and use of many of these chemicals has been banned in the EU for some time, they are likely to be found in various waste streams into the foreseeable future.” We suggest that you add “In particular from waste electrical goods discarded by consumers and industry.”

2.2 Plan Recommendations

Existing text:

Collection & Treatment: Major sources of hazardous waste in Ireland are generally well managed by the waste producers and waste management companies. This activity is overseen by a robust regulatory environment involving the EPA; local authorities and other public bodies. However, there is a significant number of non-regulated smaller sources of hazardous wastes such as small businesses,

farms and households that require further attention in terms of collection infrastructure and regulation.

Proposed text:

Collection & Treatment: Major sources of hazardous waste in Ireland are ~~generally~~ well managed by the waste producers and waste management companies. This activity is overseen by a robust regulatory environment involving the EPA; local authorities and other public bodies. However, there is a significant number of non-regulated smaller sources of hazardous wastes such as small businesses, farms and households that require further attention in terms of collection infrastructure and regulation.

Much of Ireland's hazardous waste is exported for treatment. The relatively small-scale and diverse nature of waste generation in the country has mitigated against the establishment of treatment facilities for hazardous wastes; and export to existing facilities in Europe has provided a cost-effective disposal and recovery solution. However, widespread use of this approach ~~does not align with the proximity principle and~~ exposes Ireland to a risk from a deficiency in waste management capacity should export routes be closed.

Comments under the section for Recommendations:

Include for continuous review of materials which may appear in the market and pose hazards that are not seen in the current materials e.g. changing battery technologies.

Data on Hazardous waste in Ireland

We suggest that this comment is unvalidated, *"continuing a trend that indicates hazardous waste generation has not decoupled from economic growth"* and should be removed, unless it is fully analysed and validated. The draft plan lacks sufficient detail on the breakdown of the increase from 2018 to 2019, so we cannot see if it relates to economic growth or perhaps historical issues.

We also suggest that the document expands on a general explanation of the mix of the waste that is generated in Ireland. Primary on-going source being predominantly made-up of waste organic solvents from the pharma-chem sector. Reduced inorganic volumes (acids and alkali) material from old plating sector. Increases from the municipal waste incinerators (flu gas cleaning residues) and widely varying quantities from the remediation of old sites that have historic contamination. And growing quantity of mixed materials from diverse industry, consumer and farming sectors.

3.4 box on Contaminated soil

We suggest that a comment is included as to why this volume fluctuates so much.

Fig 3.4 – For clarity, please give the year of this data and also include the words Household & Commercial under the relevant pie chart

4 Prevention of Hazardous Waste

From document

Chemical & pharmaceutical industry

We suggest adding the following sentence in this section:

"The overall trend in the sector is that lower volumes and reduced hazardousness of the waste are being generated indicating that there has been significant decoupling of waste generation from economic growth in this sector."

4.2 Green Public Procurement

We suggest that the first sentence of the second paragraph could be amended as follows:

“Wording for green criteria could require that hazardous substances must be minimised in the production process and should not be present in the final product in amounts above the appropriate thresholds.”

5 Hazardous Waste Collection

Section 5.2 is presented in kg whereas Section 5.3 is presented in tonnes. We recommend that both should be reported in tonnes to assist with comparisons.

Farm Hazardous Waste

We note the following paragraph:

“Estimations presented in the project final report suggested that 7,378 tonnes of hazardous wastes are currently stockpiled on farms (excluding WEEE and batteries). At a removal rate of approximately 200 tonnes per annum (i.e., if 10 collection centres were operated per year), it is estimated that it would take 36 years to clear this legacy waste.”

Can the document include a goal or a plan to capture this waste in a much shorter time-frame, e.g. 5 years?

6.2 Treatment Processes

We recommend the use of the term ‘energy recovery’, rather than ‘energetic recovery’ that is used in several places here.

Biological treatment/bioremediation

We recommend that the word ‘organic’ is inserted into this sentence before ‘substances’.

“It involves using bacteria to break down substances in the soil.”

Contingency Arrangements

The draft Plan recognises the need for contingency planning and this is welcomed by the IWMA. However, we suggest that the plan should do more in that regard. The planned inventory may be inadequate to address a serious issue, such as the current COVID-19 pandemic or other significant market disruptions to the normal flow of waste within Ireland and in our export routes.

We suggest that the EPA considers additional storage of hazardous wastes at hazardous waste transfer stations or appropriate final treatment facilities in the event of a serious incident that impacts on the flow of hazardous waste in Ireland and out of Ireland. Hazardous waste transfer stations are all licensed by the EPA, so we take the view that such measures are under the control of the EPA and contingency arrangements could be written into this Plan by the Agency. We submit that the best place for temporary storage of hazardous waste is at licensed sites that are designed to safely store hazardous materials.

The proposed review that is mentioned in the draft Plan should consider the storage capacity at hazardous waste transfer stations and treatment capacity at final treatment facilities and make recommendations on their ability to store, handle and/or treat additional hazardous wastes as a contingency in the event of significant market disruptions. That could then allow pre-authorisation of

additional short term capacity at these facilities that could be triggered when the EPA recognises a significant market disruption to hazardous waste flows in Ireland.

WTE facilities have shown their suitability for the treatment of significant volumes of Covid-19 waste from hospitals in 2021 and should be considered as permanent contingencies in the event of future pandemics. As such they should be licenced to accept this material hence forth to prevent any regulatory delays should there be a future, urgent/emergency requirement for their use.

Recommendation Tables

We note that some of the Recommendation Tables are repeated and out of place. We refer to Sections 5.4, 5.5 and 5.6 in that regard.

Radioactive Wastes

We recognise the need to ensure that radioactive materials are not accepted at Ireland's Waste to Energy (WtE) plants. However, we are concerned about the disruption to municipal waste management that occurs when radioactive alarms are triggered at these facilities. It is essential that Ireland has a repository for such wastes, even if it is only a transfer facility prior to export. If there is no on-island repository there needs to be a clearly defined, unambiguous regulatory path, for the disposal of radioactive materials detected at these plants, and or other locations, that have long half-life's and are determined to be from industrial sources or are classified as orphan sources. Furthermore, where the producer cannot be identified the costs of disposal need to be covered by the State and not pushed to the waste collector or the WTE facilities.

Experience at the WtE plants has found that most of the radioactivity alerts have been caused by medical waste or incontinence pads that are related to radiotherapy with short half-lives that can ultimately be treated at these locations. However, they must be stored safely until it is determined that they can be treated. We suggest that there is need for greater oversight, awareness and communications relating to this waste stream, as it should not end up in non-hazardous municipal waste bins.

In relation to the recommendation in the draft Plan on this subject, we suggest that temporary storage is only a partial solution to this problem, so clear regulatory approvals for end destinations are needed urgently.

Batteries

The draft Plan addresses hazardous batteries. This is a rapidly evolving area and may need more attention in the future as new batteries are developed for a wide range of uses. Fire hazard from Lithium and other batteries is a serious concern for IWMA members and we welcome the commitment to *"Prepare and publish guidelines for the safe storage of Lithium-ion batteries at waste handling facilities."*

In addition, there should be greater communication with the public on this topic and greater promotion of battery take-back locations. We have had discussions with WEEE Ireland and ERP on this subject and they have commenced a public awareness campaign that explains to the consumer that batteries should not be placed in any of the household kerbside bins.

The Plan should encourage and support greater awareness of take-back points for batteries. All premises that sell batteries must take them back, but this is not well advertised and many people are unsure of where to bring batteries.

3.3 Hazardous Waste Capacity

Please note that Knockharley Landfill now has planning permission to take asbestos. We recommend that this material is exempted from the landfill tax to encourage safe disposal within the State at a competitive price, which in turn will capture more asbestos in a safe manner.

We recommend the removal of this comment as it has no basis and is contrary to IWMA experience: *“there are risks that export markets for hazardous wastes could close at short notice because of lack of capacity or cost factors”*.

5.6 Solvents

We suggest that the following sentence is inconsistent with the previous sentence, which states ‘energy recovery’ rather than ‘disposal’.

“While this is considered treatment, the waste is still generally then exported for disposal.”

We hope that this submission is helpful and we look forward to further positive engagement with the EPA on this and other issues.

Yours Sincerely,



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