



National TransFrontier Shipments Office
Dublin City Council
FAO: Mr. Brian Heffernan

1st March 2023

Re: Lead-Acid Batteries

Dear Mr. Heffernan

Following an online meeting held on 18th November 2022 with members of NTFSO and the IWMA, we write to you to raise our concerns in relation to European Communities (Shipments of Hazardous Exclusively within Ireland) Regulations SI 324 of 2011 and in particular, the recently updated additional exemptions limits that are not set out under Regulation 3 for Lead Acid Batteries – LoW 16 06 01*.

Under the amended exemptions for Lead Acid batteries, it explicitly states:

“Householders do not require a WTF to transport waste lead-acid batteries to a local authority civic amenity site. Establishments or undertakings such as garages/mechanics that generate small quantities of waste lead-acid batteries incidentally during the course of their normal business and transfer these waste batteries to an authorised waste facility themselves, do not require a WTF provided they are within the limits below. Please note, any establishment or undertaking should still contact the NWCPO to determine if a waste collection permit is required for these transfers. The traceability requirements, as set out in S.I. No. 320/2014 - Waste Management (Facility Permit and Registration) (Amendment) Regulations 2014, apply to any waste purchased at a relevant waste facility.

The following limits apply:

- *A WTF is not required to transport ten lead-acid car/van batteries (approx. 200kg) or less to an authorised waste facility over a one-month period.*
- *A WTF is not required to transport four lead-acid truck/tractor batteries (approx. 200kg) or less to an authorised waste facility over a one-month period.*
- *An authorised waste facility can accept the above quantities from such an establishment or undertaking over a one-month period without a WTF.*

If a monthly allowance is not used, it does not carry forward and accumulate to the next month. Please note this exemption does not apply to establishments or undertakings collecting or transporting waste lead-acid batteries on a professional basis i.e., for the purpose of reward. A WTF (and a waste collection permit) is required for such collections.”

Based upon the above exemptions, the IWMA wish to raise the following concerns in relation to the updated exemptions of lead-acid batteries:

1. Section 7(c) of Regulation SI 324 of 2011 requires specific movements of hazardous wastes to be accompanied by a Waste Transfer Form (WTF). The above exemptions appear to disregard the need for a WTF to be generated at Civic Amenity Sites for householders regardless of the weight of the lead-acid batteries received. Metal recycling facilities operate a secure civic amenity service for the acceptance and appropriate storage of lead-acid batteries. It is the opinion of the IWMA that civic amenity sites should be governed by the same TFS requirements as authorised waste facilities. This exemption appears to be both flawed and creates the potential for anti-competitiveness in the recovery and management of lead-acid batteries.

2. Currently a WTF is generated electronically via the WRMS portal where blank WTF's are purchased at €6 each in advance of transport and are specific to a local authority region. Once a collection of hazardous waste is identified the operator must log into the TFS Office website and complete a draft WTF, download and print and provide to the collection vehicle driver. The WTF is later finalised once the precise weight of the consignment is identified. This is a very time-consuming process that requires specifically trained personnel to purchase, create and finalise the WTF in an office environment with access to a calibrated and certified weighbridge system. The experience of the IWMA metal recycling members is that householders and establishments and organisations whose undertakings generate lead-acid batteries during the course of their activities such as a garage/mechanic and farmers will generate and accumulate batteries incidental to their main business and that most of these individuals have no knowledge of or exposure to the highly complex regulatory regime that exists for the waste industry and that most would not have the capability of navigating the complex WRMS portal system to generate, process and finalise WTF's. In the majority of cases, these persons would not have an e-mail address to register with the WRMS portal. This was previously recognised by the NTFSO in that ATF's were instructed by NTFSO inspectors to generate WTF's for customers who were not required to hold a WCP for transporting their own waste incidental to their main business and arrived on site with hazardous wastes with no WTF. It was recognised that if a person was not required to hold a WCP then it was illogical and impractical to expect this person to generate WTF's. Managing the requirements of WTF's for the aforementioned persons is highly dependent on metal recycling facilities to managing the administration burden of creating, assigning and closing WTF's as well as the weighing process. As far as we are aware, there was no stake holder consultation prior to the implementation of these exemptions where metal recycling facilities accepting lead-acid batteries could advise of such likely issues to be created by these exemptions, in particular, where the aforementioned entities prefer to appropriately manage their own generated waste streams.

3. It is noted from the exemptions that the maximum quantity of lead-acid batteries to be received at the site without a WTF has been selected as 10 No. car battery units and 4 No. tractor/truck battery units equating to 200kgs. It is the experience of metal recycling facilities that truck/tractor/car batteries vary in weights that would easily exceed 200kgs based upon these advised number of units. The IWMA questions what is the correct rule of exemption if a household, garage, etc. arrives at a facility with 10 No. units of car batteries or 4 No. units of truck/tractor batteries and where these units would exceed a 200kgs limit. Should a waste facility be advised to accept only 200kgs of lead-acid batteries and reject the exceeding weight in the above instance, it is the opinion of the IWMA that the likelihood of the customer leaving with all batteries is high and could lead to the illegal proliferation of waste batteries by unauthorised facilities and rogue traders reducing traceability and increasing the environmental threat of this waste stream. In addition, the exemptions do not make reference to lead-acid batteries from buses and heavy machinery such as forklifts, loaders, excavators, etc. The weight of these batteries could easily exceed 200kgs during

periods of required maintenance and would require the knowledge of a metal recycling facility to handle appropriately.

4. Upon review of the Third Schedule of Part II – Classes of Activity Subject to a Certificate of Registration, Class No. 4 regarding the reception and temporary storage of waste allows up to 10 tonnes of used automotive batteries to be stored for up to 30 days prior to collection. This would seem to indicate that 10 tonnes of lead-acid batteries in storage in lesser regulated facilities do not pose a risk to the environmental or public health for a period of 30 days but that a consignment of more than 200kgs of lead-acid batteries requires a waste transfer form; this appears to present a serious inconsistency in the enforcement of this waste stream.

We understand that the purpose of the regulations relates to environmental protection, yet hazardous wastes with significant health and environmental impacts such fluorescent tubes, engine oil, waste electrical, paint and medicines delivered to local authority civic amenity sites are completed without a WTF but now include exemptions for lead-acid batteries which seem highly questionable, anti-competitive and further demonstrate that there is significant inconsistency in the application of WTF requirements for every day hazardous wastes that include automotive batteries.

We propose that the current exemptions are unworkable for metal recycling facilities to facilitate the appropriate capture and handling of lead-acid batteries due to current weight limits of 200kgs. The IWMA believes that this weight exemption should be increased to a minimum of 500kgs for all types of lead-acid batteries to allow for a consistent and environmentally sustainable capture of lead-acid batteries at authorised facilities and respectfully requests that NTFSO reconsiders the unsatisfactory weight limits imposed.

Furthermore, it should be noted that very detailed annual returns are required to be made to the Environmental Protection Agency by Industrial Emissions Licence holders and the National Waste Collection Permit Office where Waste Facility Permit and Registration holders must report detailed information in relation to all waste accepted at and consigned from the facility. This data recording and reporting requirement includes all wastes moved, accepted and consigned with no exemptions or exceptions ensuring that all traceability requirements apply to any waste purchased at a relevant metal recycling facility.

This submission has been prepared by the IWMA, which represents c.70 waste management companies including our Metal Recycling Sub-Group members that represent the majority of stakeholders involved in the movement and/or acceptance for recovery of lead-acid batteries in Ireland.

Yours sincerely



Conor Walsh
IWMA Secretary

For and on behalf of the Irish Waste Management Association

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