



The Chartered Institution of Wastes Management

Preparation of Regional Waste Plans – January 2015

Submission by the Republic of Ireland Centre of the Chartered Institution of Wastes Management (CIWM)

CIWM welcomes the opportunity to make a submission on the *Preparation of Regional Waste Plans* for each of the three Waste Management Planning Regions. CIWM has reviewed the above referenced Draft Waste Management Plans, issued for public consultation in November 2014. We offer our comments and suggestions below, but firstly we wish to congratulate each of the Regional Waste Management Offices on well presented documents that summarize the broad range of waste management activities in each Region.

CIWM supports and welcomes the reduction of waste management planning regions from 10 to 3 and we further support the co-ordination of the 3 regional plans to achieve national consistency and effectively a single national plan with regional variation, where appropriate.

Our comments are intended to be helpful to further improve the document and to ensure that waste management in Ireland progresses as intended, whilst avoiding unintended consequences. Our members have significant experience in waste management, so our submission should, we hope, play a fundamental role in the development of the finalised Plans.

General Comments on the Draft Regional Waste Management Plans

CIWM broadly welcomes the approach and strategic vision taken in each of the 3 draft Regional Waste Management Plans (RWMP). In particular, we welcome that resource efficiency; reuse and circular economy lie at the heart of the approach taken. While the Circular Economy Package has been withdrawn temporarily at EU level, CIWM strongly urges the lead authorities in each of the three waste regions to retain the circular economy model as a guiding principal in the RWMPs.

In addition, the use of terminology such as *resource* (in preference to waste) and *reuse* is to be much-admired. Terms and definitions are important in implementing environmental legislation and in prompting the environmental behaviour changes necessary for such implementation. CIWM would like to see the plans adopt a somewhat broader scope to include principals of economic and social wellbeing within its approach. While there is a commitment to the green economy and to the creation of jobs within the green economy, the importance and potential of social enterprise in delivering jobs and training could be more explicit and this needs to be acknowledged in the plans and catered for in the policy actions.

The recognition of the social economy as a significant player in waste management must extend to supports, financial and practical, for social enterprises working in this space so that

the value of the environmental work that they do is recognised and they get paid accordingly in order to do that work. The two main barriers to the effective operation of community based reuse projects are finance and ongoing access to reusable materials.

CIWM welcomes that the RWMP recognises the Institution as a key stakeholder in the waste management sector in Ireland and that its inclusion in policy discussions and implementation is seen as important. CIWM looks forward to sharing its very considerable expertise and abilities, with not only the lead authorities but also the other local authorities working on the RWMP.

CIWM recognises the commitments in the draft RWMPs to decoupling economic growth and resource use, behavioural change activities and public awareness raising. Moving from a position where recycling is seen as an environmental norm to one where the goal is perceived as waste prevention and reuse requires behavioural change at both societal and individual level.

Waste Management Infrastructure

One of our primary concerns with each of the 3 draft RWMP relates to the future provision of waste management infrastructure. We understand that the regional authorities have an obligation to provide details of existing waste management infrastructure and to highlight infrastructure gaps and future needs, but we are very concerned that the analysis presented in the draft plans is incomplete and the policies may therefore hinder rather than encourage the future provision of waste management infrastructure.

In our experience, any tonnages provided in waste management plans are taken as limits (by planning authorities, licensing authorities or An Bord Pleanála) rather than minimum requirements and this has in the past created the unintended consequence of stagnation in infrastructure development.

Forward planning and planning decisions should not be used to control waste destinations in an open competitive market. The market will decide where and when infrastructure is required and in many cases infrastructure will be planned and not developed as the market shifts and companies gain and lose market share or change their strategy for one of many reasons, including acquisitions. Command and control, it could be said has no place in this market.

Capacity could be limited by Planning at the lowest tier of the waste hierarchy to drive waste out of landfill, but that is clearly not needed when the landfill levy is fulfilling that role at present. Limiting the availability of recovery facilities is contentious as the preferred outcome can be achieved in other ways. Over-capacity is important in pre-treatment, transfer, biological treatment, recycling, etc, to allow competition, efficiencies and contingencies so that waste is not left on the streets or disposed when it should be recycled.

Over-capacity will be limited by the funders as financing projects that will not survive in an open market is unlikely to occur in waste management in Ireland. Funders undertake very comprehensive due diligence that is more informative than the infrastructural analysis contained in the draft waste management plans.

The waste market in Ireland can be compared to other open competitive markets (for example, the retail sector) where the number of facilities is unrestricted, but their locations must be consistent with the zoning included in the County Development Plans. For example, it would be wrong to refuse planning for a new supermarket in a town on the basis that there is adequate capacity provided by other companies to serve the population of that town.

We set out here under a number of examples of the problems that we expect will arise when the planning authorities follow the policies that are written in the draft plans:

1. If Company X needs capacity at a transfer station or pre-treatment facility to handle waste that it collects, it cannot rely on its competitor's capacity. The competitor can over-charge and put Company X out of business to the competitor's advantage. This could also be considered a dominant position in a local waste collection market.
2. Capacity for transfer or pre-treatment of waste in the Region outside Company X's locality is no good to Company X, so local capacity is needed regardless of Regional over-capacity.
3. Many existing or pending facilities are not usable for reasons of geography, market status, ownership, planning restrictions, logistics, etc.
4. Licences can take up to 5 years (or more) to be granted, so many pending facilities will not be developed as the market has changed dramatically in the last few years.
5. Many facilities have authorised capacity in excess of their operational capacities and in some cases in excess of their planning permissions, e.g. Ballynagran and Knockharley landfills.
6. A company can have a lot of over-capacity but refuse to make it available to competitor companies.
7. Some recycling or re-processing infrastructure (including biowaste) may only be viable at a scale that is considered too large for the Region, but may still be critical for the Region and for the country. It might even rely on imports to achieve the necessary scale, but this should not be seen as a negative and the facility's capacity should not be restricted by the regional market analysis. For example, a large AD facility in Dungannon in County Tyrone is treating large volumes of food waste from both Northern Ireland and the Republic of Ireland and the resultant economy of scale makes the gate fee attractive and consumers ultimately benefit.
8. A company can protect the gate fee at its existing facilities by making applications for new facilities and not developing them, if this constitutes 'pending' facilities. In this way, any company can grab the capacity that is supported by the plans, making it unavailable to their competitors, but decide not to develop it, in order to maintain an over-demand for capacity at their existing facilities and maintain a potentially inflated gate fee.

Commentary on the List of Terms Utilised in the Draft RWMP

The terms ‘black bin’ and ‘green bin’ should not be used in the document, as many dry recycling bins in the country are blue and residual bins vary from black to grey to purple to red, etc. The term ‘brown bin’ is less contentious and can probably be used without causing confusion. We recommend that you use the following terms:

- Dry Mixed Recyclables (DMR) bins or Mixed Dry Recyclables (MDR) bins
- Residual Waste bins
- Biowaste bins or Food Waste bins or Brown bins (less contentious)

Mechanical-Biological Treatment (MBT) – the definition provided is focussed on stabilisation and disposal. It ignores the capture of recyclables, the production of SRF and the option of biogas production through AD and electricity production from the biogas. The definition should be expanded to encompass the above.

Incineration, thermal treatment, co-incineration and waste to energy – The definitions of these processes appear to be biased towards ‘waste to energy’, where the liberation of thermal energy is described in very positive terms. Co-incineration, on the other hand is described in less positive terms with a reference to the possibility of using waste fuel in a disposal capacity. This definition poorly represents the use of SRF in cement kilns, which we consider to be a very important part of waste management in Ireland. Waste to energy, co-incineration in cement kilns and MBT are all supported by the Irish waste sector. We suggest that all three should be described in positive terms as they take residual waste from the disposal tier of the hierarchy to the recovery tier and each contributes to the elimination of waste disposal, which is one of the major policy objectives of the Regional Waste Plans.

Chapter 4

Section 4.3 Residual Waste Exports – CIWM supports self-sufficiency in treatment of residual wastes in Ireland, but we suggest that the export route should be left open for both MSW and RDF into the future. This may be very important for reasons of competition and contingency. For example, if the Carranstown Energy from Waste (EfW) facility or such other facility, had to close temporarily for technical or other reasons, large quantities of residual waste would be deprived of an outlet with the result that waste would back-up at transfer stations and would either be directed to landfill (if available) or left on the streets in the worst case scenario.

Large-scale production of RDF may not be feasible in that scenario, as biological treatment capacity for the organic fines may not be available. It is therefore important that the export of MSW is not banned outright.

Policy discussion favours ‘thermal recovery’ ahead of other forms of recovery, e.g. MBT, AD, potential new technologies, etc. The policy statement A.4 is technology neutral which we consider to be more appropriate.

Chapter 5

Page 40 – The CIWM welcomes the region’s commitment to work in co-operation with waste operators and we confirm that the CIWM and its members look forward to supporting the authorities in implementing the policies of the Plan.

Chapter 9

19% of occupied households within the EMR were not signed up to a kerbside collection service in 2012 and this was as high as 42% in the CUR.

We urge the authorities to step up enforcement of those households that do not have a kerbside service. Statutory declarations, addressing where these householders dispose of their waste would be a good start and less expensive than door-to-door enforcement, which should be a follow-on measure. The new waste collection regulations will have to be communicated to the public and this should be used as an opportunity to inform the public that they must avail of a kerbside service or seek exemption by way of annual statutory declaration, if they can prove that they use an alternative option that is legal and consistent with waste management policy and legislation.

Chapter 10

Commercial organic wastes are typically collected in 240 litre brown bins, due to the high density of the material. Residual commercial wastes are typically collected in 1,100 litre bins and are often charged per lift rather than per kilo. The unit charge in the larger bin may be lower than in the brown bins in some cases, so adequate incentive may be lacking. We suggest that a working group consisting of CIWM, IWMA, Cré, DECLG and the Regional Authorities looks specifically at this issue to see if commercial food waste collections can be better incentivised. Mandatory pay by weight collection for commercial waste has been suggested by some waste collectors as the solution to this problem.

Table 10.7 - Data for each local authority in each of the three regions would be useful if it is available and can be provided.

Chapter 11

C&D Wastes

Section 11.2.5 Future Activities - The Regional Plans should address end uses for recycled aggregate and separately for C&D fines.

Ireland urgently needs the development of end markets for recycled aggregates that meet a recognised standard. Without this option, recycled aggregate is confined to use in landfills or other authorised waste facilities. An industry standard has been developed by the Environment Agency and WRAP in the UK¹ and this standard could be immediately applied to aggregates in Ireland and end-of-waste status applied where this standard is proven by the

¹ “Quality Protocol – Aggregates from Inert Waste - End of waste criteria for the production of aggregates from inert waste” - Environment Agency & WRAP, October 2013.

operator. We suggest that the Regional Plans outline a systematic approach to such approval that can be delivered in the short term.

C&D fines are normally unsuitable for use in an uncontained environment as they may contain high levels of sulphate, due to the gypsum content in plasterboard. The most appropriate outlet for this material is therefore landfill cover or use in a similar controlled and authorised environment. It is therefore important that the waste plans seek to protect the environment by requiring control of this material. CIWM have concerns that rogue operators are illegally dumping C&D fines and we expect future environmental impacts from this activity. The enforcement authorities in Ireland need to take a co-ordinated approach to tracking this material to put an end to any illegal dumping of C&D fines. The waste plan should be the starting point in this process.

In our experience, C&D processing that is regulated under licence by the EPA is subject to strong enforcement with regard to outlets for recycled aggregates and C&D fines, whereas many local authority permitted sites are not enforced to the same extent. Some licensed sites have recently considered sending recycled aggregate and C&D fines to permitted processors as an outlet, which proves the point that unequal enforcement is a major problem. Permitted sites must be enforced to the same level as licence enforcement to keep the playing field level for all operators. In addition, permitted sites must be subjected to the same transparency as licensed sites, with AERs available for viewing on line. This would certainly help with enforcement of permitted sites, as other waste operators could spot the anomalies that may be missed by enforcement staff.

These issues are considered to be very significant by CIWM members and must be addressed in the regional waste plans in order to protect Ireland's environmental, to enforce criminal activity and to achieve better waste management in Ireland.

Chapter 12

General – The Pre-treatment and Recovery Infrastructure analysis detailed in Chapter 12 is informative and provides useful data.

However, as mentioned earlier in this submission, CIWM has serious concerns about using this data to guide future planning decisions on infrastructure applications, in an open and competitive marketplace. Whilst recognising that the data is comprehensive, it does not provide the full story as it is desk-based and does not encompass the full details of the wastes managed at each facility and the future use of each facility. In our view, the data gathered on each facility is too broad to provide a detailed understanding of the needs of the market and as such, using this data to guide planning decisions will lead to unintended consequences as mentioned earlier in this submission.

We also believe that any attempt to manage the development of waste management infrastructure through command and control techniques will fail and infrastructural development will stagnate. Techniques of this nature work in countries where the waste is controlled by the authorities, but the Irish waste market is very different from that scenario and requires a different approach by the planning authorities.

This important issue has been well defined in an independent article published by Duncan Laurence on www.duncansenvironment.wordpress.com in December 2014, entitled "Might the new Regional Waste Management Plans become obstacles to Waste

Infrastructure Development?” We recommend that the Regional Office takes account of this article prior to finalising the regional waste plan.

Chapter 14

Enforcement Generally – Making permitted facilities transparent by way of publishing AERs on line, similar to licensed facilities’ AERs, would allow the waste industry to assist with enforcement.

CIWM suggests that the EPA should take a more active role in response to complaints with regard to local authority enforcement of specified permitted sites, particularly those that accept residual MSW and/or mixed C&D wastes. There is a perceived major difference between enforcement of licensed and permitted facilities and this provides commercial opportunities for rogue operators. In response to a complaint that a local authority is engaging in inadequate enforcement of a permitted facility, we suggest that an experienced EPA inspector should accompany the local authority enforcement team on a site inspection/audit to ensure that the local authority enforcement standard is consistent with the EPA enforcement standard. We note that the EPA’s brief extends to assisting local authorities with enforcement and we suggest that this action would greatly enhance the fulfilment of that obligation.

The benefits of good enforcement should be weighed against the costs. Benefits include VAT payments, landfill levy payments, avoidance of environmental clean-up costs, avoidance of EU fines, avoidance of social welfare fraud and a level playing field for good operators that ultimately leads to better environmental performance. CIWM believes that the perceived current gap between the enforcement of permitted sites versus licensed sites is leading to a shift of waste from highly enforced licensed sites to less enforced permitted sites, with an associated drop in environmental standards and increased risk of illegal dumping.

Chapter 15

General - It is clear from the discussion in Chapter 15 that it is difficult to predict future quantities of waste and CIWM agrees with that conclusion. This reinforces our position outlined earlier in this document, that restricting planning permissions based on the expected future needs of a region is a dangerous exercise that will undoubtedly have unintended consequences.

Chapter 16

General – This Chapter must separate out ‘**consented infrastructure**’ and ‘**available infrastructure**’ and must provide capacities of both in the Appendices. Without this addition, the analysis is essentially flawed and the Plan may do more harm than good with respect to infrastructure provision. The Plan recognises the weakness in the current analysis but still provides policies that require the planning authorities to use this analysis in their

decision on new planning applications. CIWM would ask that the authors rectify this situation, even if that requires more work that could delay the finalisation of the Plans.

Policy E17 – This policy will restrict biological treatment in the Region for no good reason and may lead to the unintended consequence of stagnation in development of biological treatment in the region. We suggest that the policy should recognise the need for a minimum of 75,000 t/a biological treatment and a supporting statement (Policy E18) that encourages the development of new biological treatment facilities that are designed to facilitate waste moving up the hierarchy.

CIWM envisages the further roll-out of both household and commercial brown bins to result in the capture of an additional 200 Kt/a to 300 Kt/a food and garden waste that will require biological treatment. This is consistent with the Regulatory Impact Assessments (RIAs) that were prepared, on behalf of the DECLG, in support of the introduction of household and commercial food waste regulations. The Plans do not appear to allow for adequate development of biological treatment capacity in Ireland and we suggest that this analysis is re-visited, taking the conclusions of the RIAs on board.

Policy E19 – CIWM supports this policy and suggests that in addition to plastics, the Plan should focus on materials that are not often traded on international markets such as waste wood, glass, compost and recycled aggregate. End of waste criteria and alternative outlets for these heavier materials would greatly enhance our recycling performance. In its current form, the Plan does little for these recyclable materials.

Specific comments on Policy Action & Targets – Chapter 19

The overarching Targets of the RWMP are as follows:

- 1% reduction per capita per annum of Household waste over the time frame of the plan
- Preparing for reuse and recycling 50% of municipal waste by 2020
- Reduce to 0%, the untreated municipal waste to landfill (energy recovery preferred)

As reuse or preparation for reuse occupies a higher position than recycling on the Waste Hierarchy, it is important to have separate targets for these. While the EU targets that had been set out in the circular economy package combine reuse and recycling targets, CIWM believes that the Irish RWMPs can raise the bar here to signal that these are two different levels of waste management and help push towards reuse.

The following table, overleaf, contains our considered opinions relating to specific policy action points.

Policy Action	Policy Action	CIWM Comment
A.1.1	Move waste further up the hierarchy by eliminating the direct disposal of unprocessed municipal waste to landfill	This action includes a target with respect to new collection permit conditions – New collection permit conditions should reflect the desire to move up the hierarchy to reuse. In addition the conditions need to specify that materials should be stored in such a way that keeps them suitable for reuse.
A.2.1	Review the application fee structures related to regulatory activities for local authority facility authorisations	CIWM would suggest the consideration of reduced fees and charges for social enterprises so that the fees are not prohibitive for such organisations.
A.3.1	Prepare annual report	<p>CIWM strongly recommend splitting the reuse and recycling figures in annual reporting. This is necessary to see if there is true movement up the waste hierarchy.</p> <p>In addition to environmental KPIs, it is important to include socio-economic KPIs for reuse and preparation for reuse, as there are significant benefits for communities and society in this sector. CIWM would suggest that KPIs such as <i>training hours completed</i> and <i>preparedness for work</i> would work well to gauge the value gained in preparing long term unemployed and disadvantaged people for work. KPIs such as <i>number of reused items sold on</i>, would work well to indicate the added socio-economic value of reusing materials</p>
A.4.1	Monitor and report on planned, authorised and utilised capacity on a regional and national basis (building on the work done for the waste plan)	<p>This action should include a register of reuse organisations and that an organisation such as CRNI would be the agreed holder of that register.</p> <p>CIWM recommend that the bodies with responsibility for this policy action continue to support ongoing research projects that seek to improve and expand reuse.</p>
B.1.1	Appoint, where the role does not exist, or retain the role of the local authority Environmental Awareness Officers on a whole time equivalent basis to work on activities related to the	CIWM consider the Environmental Awareness Officers to be essential in waste prevention efforts at a local level and welcome this policy action.

	implementation of the waste plan on a local and regional basis.	
B.1.2	Establish the post of a Regional Prevention Officer as part of the staffing structure of the regional waste office.	Agreed.
B.1.3	Ensure an ongoing financial allocation is made in the local authority annual budgets to cover expenditure on waste prevention related activities over and above staff costs.	CIWM considers the allocation here of €0.15c per capita per annum as being a good starting point but this should be subject to systematic and ongoing review.
B.2.1	Collaborate regionally on prevention initiatives and programmes targeting priority areas to raise awareness of the benefits of prevention and deliver campaigns with more impact and better value for money.	CIWM welcomes this action and requests that it would be considered as a key stakeholder in this action.
B.3.1	Establish regional and local structures and networks through the regional office to ensure effective, consistent and practical coordination and implementation of NWPP initiatives	Agreed.
B.4.1	Promote the prevention of hazardous wastes to households, communities and small businesses building on effective initiatives and disseminating best practise throughout the region	CIWM welcomes and agrees with this policy action. We would welcome the opportunity to be involved in the development of such initiatives at a national level.
B.4.2	Work with manufacturers, designers, compliance schemes, and national authorities on the development of waste prevention measures for products and services.	<p>CIWM would recommend a commitment to encourage manufacturers and designers to design with reuse and recycling in mind.</p> <p>CIWM would like to see commitment at a national level to promote the introduction of a Producer Responsibility Initiative (PRI) for materials such as mattresses which would facilitate a more formal take back scheme with retailers thereby capturing more materials.</p> <p>CIWM would like to be involved in the implementation of this policy action.</p>
B.4.3	Collaborate with other national authorities and agencies	CIWM welcome this policy action and wish to be

	delivering communication and information campaigns to include messaging on waste prevention and recycling	involved as a stakeholder.
C.1.1	Engage with and facilitate enterprises in the development of repair and preparing for reuse activities	CIWM welcomes this policy action. We would like to see meaningful consultation with the reuse sector on ways of doing this and would welcome the opportunity to be involved in this.
C.1.2	Review the operation of CA sites to facilitate the segregation of materials for reuse at local authority controlled civic amenity sites (WEEE will be considered subject to discussion and agreement with the compliance schemes).	Discussion and agreement should not be limited to compliance schemes.
C.1.3	Engage with CRNI and other similar networks to develop a network of reuse/upcycling activities and promotional events.	This is an important policy action which is welcomed by CIWM.
C.2.1	Introduce bylaws, consistent across the region, to maximise the quantity and quality of recyclable waste collected.	This is an important policy action which is welcomed by CIWM.
C.2.2	Produce a code of practice for Local Authority authorised facilities to maximise the quantity and quality of material produced.	CIWM recommend that those employed on CA sites receive training on reuse in order to be able to recognise and store/protect reusable items in a suitable state, where it is feasible to do so in terms of site constraints, suitable materials etc.
C.3.1	Liaise and support with Economic Development Departments of LAs in the identification of enterprises and potential clusters of enterprises for the development of secondary material markets.	CIWM considers this to be a very important and complex action. CIWM would recommend that a working group be set up to implement this action and that CIWM be part of that working group.
C.4.1/C.4.2	Prepare resource efficiency criteria for local authority waste related contracts. Inclusion of resource efficiency criteria in public procurement contracts.	CIWM welcomes this measure and notes that it reflects the Green Public Procurement measures in the EU Circular Economy Package. As the social enterprises make up a sizeable proportion of the reuse sector and are often the life blood of the economy in disadvantaged communities, it is vitally important that social enterprises are adequately supported in bidding for public contracts.
D.2.3	Identify training needs and coordinate future shared training to develop knowledge and expertise at Regional & Local Level	Agreed.

D.3.1	Establish partnerships to build knowledge capacity and to promote higher order waste activities (prevention, reuse, resource efficiency and recycling).	There are a number of research projects both past and present in which CIWM have been involved in and mentored which could assist in building this knowledge capacity. CIWM recommends that the bodies with responsibility for this policy action continue to support ongoing research projects that seek to improve and expand reuse.
D.4.1	Review European and National calls for funding in waste, resource and research areas to identify opportunities and partners in the Region and make appropriate applications	CIWM agrees with this and has in the past on a number of occasions successfully partnered on good quality projects.
F.1.1	Allocate resources to the systematic monitoring of household compliance with the segregation of waste with a particular focus on prioritising the reduction of contamination.	Agreed
F.4.1	Work with NWCPO to standardise Waste Collection Permit conditions with standard mandatory conditions and local discretionary conditions	Collection permit conditions should reflect the desire to move up the hierarchy to reuse. The requirement that all collectors have a waste collection permit be they commercial or social enterprise should be adopted.
H.2.2	Examine the possibility of expanding existing reuse schemes in place throughout the region for bulky or hazardous waste streams (such as mattresses and paints)	CIWM welcomes this important policy action and CIWM would be happy to be a key stakeholder in helping to develop such reuse schemes CIWM suggests that pilot projects be undertaken with Civic Amenity sites to support projects dealing with a range of post-consumer items e.g. mattresses, bicycles, furniture etc
H.2.3	To transfer knowledge and skills on the successful schemes to all LAs in all Regions	Agreed

In summary, CIWM would like to see the final plans based on broad principles taking the environmental, social and economic pillars of sustainable development into account. In addition, the concepts of reuse and resource efficiency should be articulated, promoted and supported in practical ways.

I hope that this submission proves helpful to the preparation of the final waste management plan and we look forward to working with the regional waste office in implementing the plans over the next few years.