

EPA

Municipal Solid Waste –

Pre-Treatment & Residuals Management.

Technical Guidance Document - Consultation

Bord na Móna Submission

13th October 2008

General Comments

Bord na Móna recognises that measures need to be taken to address *national obligations* in relation to pre-treatment (including diversion) of Municipal Solid Waste prior to final disposal at landfills. Indeed we are firmly of the view that the timetable for meeting these obligations represents a considerable challenge for all stakeholders.

It is noted that the EPA's discussion paper *Hitting the Targets for Biodegradable Municipal Waste: Ten Options for Change (January 2008)* recognises that target delivery is behind schedule and that in order to comply with the Landfill Directive's targets, the country will need to develop new systems and infrastructure to manage in excess of 1 million tonnes of BMW (incl. organics). The paper, while acknowledging that a number of initiatives are already underway to effect change, recognises that many obstacles remain and further active policy intervention is required if targets set for diversion of biodegradable municipal waste from landfill are to be achieved.

Critically, the paper recognises that the achievement of the targets *is a national issue* and suggests ten possible public policy interventions to encourage changes in management practices in order to achieve the targets, namely:

1. Promote at-source composting
2. Expand R&D for at-source composting
3. Ban the landfill of untreated municipal waste
4. Increase the landfill levy
5. Undertake market research for treated OFBMW products
6. Provide a subsidy for the treatment of OFBMW
7. Develop and assign responsibility for a national waste management plan
8. Develop guidance on waste infrastructure and contaminated sites
9. Develop stabilised biowaste standards
10. Encourage green procurement and undertake marketing of OFBMW products.

The achievement of the targets is indeed a national issue and public policy interventions, as proposed by the EPA, are clearly required in order to meet the targets, through the provision of new and improved pre-treatment infrastructure.

While internationally published experience (e.g. EU EA report *Europe's Environment – The Fourth Assessment*) notes that it is technically possible to divert significantly away from incineration and landfill, and this diversion depends primarily on (inter alia) the provision of waste treatment/management infrastructure, recital 8 of the EU Landfill Directive (1999/31/EC) clearly calls for the *encouragement of treatment processes* to ensure that landfill is compatible with the objectives of that directive. Clearly, the obligation is therefore on individual member states to (inter alia) implement public policy interventions in order that this desired outcome can be achieved.

In its consultative document *Municipal Solid Waste – Pre-treatment & Residuals Management, September 2008*, the EPA correctly notes that the waste industry – particularly in urban areas – is arranging itself, *where economically possible*, to provide integrated waste management options. This of course demonstrates the commitment of the industry to play its part in the achievement of Ireland's obligations in relation to diversion of Municipal Solid Waste from landfill. However, the EPA also notes that *state subsidies* are (inter alia) central to the degree of sophistication applied to waste stream

processing, and we are firmly of the view that the successful pre-treatment (including diversion) of Municipal Solid Waste prior to final disposal at landfill will require similar fiscal intervention to that which has resulted in the diversion of, for example, dry recyclables. Clear and decisive public policy action is now required to ensure that the provision of sophisticated integrated waste management options is extended so that the relevant obligations can be fully and timely achieved.

Proposed Minimum Pre-Treatment Requirements for Municipal Solid Waste for Landfilling or Incineration

Minimum Pre-Treatment Obligations - Landfill

- While the consultation document proposes that a landfill operator must be able to demonstrate that accepted waste has been subjected to appropriate pre-treatment, this can only be brought about against a backdrop of the availability of new and improved pre-treatment infrastructure, the adequate delivery of which requires public policy interventions, as proposed by the EPA. Furthermore, the imminence of the first target (2010) means that the required brown bin treatment infrastructure is unlikely to be delivered in time, (regardless of a possible full roll-out of a three-bin collection system) given the public policy vacuum and the associated delivery lead-time for such infrastructure.
- Figure 6 of the consultation document appears to erroneously suggest that Solid Recovered Fuel (SRF) is currently required to be diverted from newer landfills, via the mechanical treatment of black bin waste in large urban centres.

Minimum Pre-Treatment Obligations – Incineration

- The inadequacy of the minimum pre-treatment proposed for incineration is in conflict with BAT, which places emphasis on (inter alia) waste minimisation, as the treatment of biowaste and the biological element of black bin waste, along with the associated avoidance of incinerator ash, can contribute significantly to the achievement of this objective. There are similar conflicts with respect to the observation of the waste hierarchy and the relevant regional waste management plans. Combined, these have the clear potential to confer an inappropriate and unnecessary competitive advantage to incineration over landfill.
- It is not clear from the consultation document why the minimum pre-treatment proposed for incineration is so restricted, despite an assessment of all references, with the exception of Fehily-Timoney 2008 (*Research report entitled 'Critical Analysis of the Potential of Mechanical Biological Treatment for Irish Waste Management. Volume 2, Final, July 2008, Irish EPA.'*) which was not available during the consultation period.
- The inclusion of mechanical treatment of incinerator ashes (to remove metals and other marketable recyclables) as a minimum pre-treatment required for incineration is flawed, as it is clearly a landfill pre-treatment. Therefore, the proposed minimum pre-treatment remaining for incineration is a mere 2 bin collection system. If, however, the mechanical treatment of incinerator ashes is included under incineration in order to demonstrate that the obligation/burden for this minimum pre-treatment is on the incinerator operator, it logically follows that the landfill operator cannot be so obliged or burdened.

- This has clear implications for the required minimum pre-treatment of other waste streams to landfill and serves to demonstrate the extended responsibility of other stakeholders in this regard.

Validation of Treatment Effort

- Demonstrable consideration needs to be given to the potential for co-operative achievement of the appropriate pre-treatment of accepted waste.
- It is encouraging that the consultation document proposes to provide for the periodic revisiting of the rationale put forward by facility operators in relation to confirming that adequate and appropriate pre-treatment effort has been applied, especially in the case where waste infrastructure in a region develops over time. Such a pragmatic approach will be essential in the transition period while public policy interventions are introduced, aimed at the delivery of essential new and improved pre-treatment infrastructure.
- The proposed confirmation of the standard to be applied in the case of Stabilised Biowaste (while welcome) is overdue, coming just a year before the first of the diversion targets.
- Furthermore, it now appears unlikely that test methods acceptable to the EPA (to assist operators in demonstrating the effectiveness of any treatment applied to BMW in respect of the biodegradable component) will be available to give (in part) sufficient comfort to potential developers to deliver the necessary pre-treatment infrastructure, in time to meet the first target date of 2010.

Implementation

- It is not clear from the consultation document how the licence conditions of individual facilities are proposed to be amended. It is therefore critical that licensees are afforded the opportunity to comment on, or object to, proposed amendments.
- Any amendments to licence conditions arising from this process should be effected simultaneously in respect of all licences.

Enforcement

- It is essential that the Agency consults with the waste industry with regard to the preparation and implementation of the related enforcement plan, the approach of which must be one of pragmatism. Indeed it is regrettable that the issue of enforcement has not been addressed in the current consultation document.
- It would be entirely inappropriate to attempt to transfer what is clearly a national and individual member state burden (i.e. the achievement of diversion targets) to a relatively small number of facility operators.
- There can be no so called "after-the-fact" enforcement where there is a demonstrable deficit of adequate new and improved pre-treatment infrastructure. In that regard, the Agency is called upon to provide a clear statement of its intent in this likely event.

Ann Kehoe

From: Eamonn Walsh [Eamonn.Walsh@louthcoco.ie]
Sent: 13 October 2008 23:57
To: Licensing Staff
Cc: Jonathan Derham
Subject: MSW - Pre-treatment & Residuals Management

Attachments: LouthCommentsMSWPreTreatment.doc



LouthCommentsMS
WPreTreatment.d...

Please find attached comments on above consultation draft from Louth County Council.

Regards,

Eamonn Walsh,
Director of Services.

This message is intended only for the use of the person(s) ("the intended recipient(s)") to whom it is addressed. It may contain information which is privileged and confidential within the meaning of applicable law. If you are not the intended recipient, please contact the sender as soon as possible.

The views expressed in this communication may not necessarily be the views held by Louth County Council.

Any attachments have been checked by a virus scanner and appear to be clean. Please ensure that you also scan all messages, as Louth County Council does not accept any liability for contamination or damage to your systems.

Baineann an teachtaireacht seo le úsáid an duine (an faighteoir ceaptha) a bhfuil sé dírithe chuige amháin. Féadfaidh eolas a bheith inti, a bhfuil pribhléide agus rúnda lastigh de míniú an dlí is infheidhme.

Mura seolaí thú, cuir an seoltóir ar an eolas chomh luath is féidir, le do thoil. Ní gá gurbh ionann na tuairimí sa cumarsáid seo agus na tuairimí atá ag Chomhairle Chontae Lúghaí.

Seiceáil scanachán-virís aon cheangaltán agus ba dhóigh go bhfuil said glan. Áirithigh, le do thoil, go raibh gach teachtaireacht seiceáilte agat chomh maith, de dheasca nach glacann Comhairle Chontae Lúghaí aon fhreagracht do éilliú nó damáiste ar do chóras.

This email has been scanned by the MessageLabs Email Security System.
For more information please visit <http://www.messagelabs.com/email>

Comments on Consultation Draft of EPA Technical Guidance Document

Municipal Solid Waste – Pre treatment & Residuals management

(DRAFT V10 September 2008)

By

Louth County Council

13th October 2008

Introduction

Louth County Council wishes to make the following comments on the draft guidance document as a stakeholder in its role both as a local authority responsible for the implementation of its waste management plan and also as the operator of an EPA licensed landfill facility in the North East Region.

The stated purpose of the document is to seek views in relation to a proposed EPA definition of minimum acceptable pre-treatment for MSW accepted for landfilling or incineration. It is also stated that following publication of the final guidance, the EPA will commence an exercise of reviewing conditions in existing EPA licences for waste activities.

Landfill Directive

In the section of the document dealing with EU Landfill Directive Obligations, it would have been useful to actually quote the articles 5 and 6 referred to, and they read as follows:

Article 5

Waste and treatment not acceptable in landfills

1. Member States shall set up a national strategy for the implementation of the reduction of biodegradable waste going to landfills, not later than two years after the date laid down in Article 18(1) and notify the Commission of this strategy. This strategy should include measures to achieve the targets set out in paragraph 2 by means of in particular, recycling, composting, biogas production or materials/energy recovery. Within 30 months of the date laid down in Article 18(1) the Commission shall provide the European Parliament and the Council with a report drawing together the national strategies.

2. This strategy shall ensure that:

(a) not later than five years after the date laid down in Article 18(1), biodegradable municipal waste going to landfills must be reduced to 75 % of the total amount (by weight) of biodegradable municipal waste produced in 1995 or the latest year before 1995 for which standardised Eurostat data is available

(b) not later than eight years after the date laid down in Article 18(1), biodegradable municipal waste going to landfills must be reduced to 50 % of the total amount (by weight) of biodegradable municipal waste produced in 1995 or the latest year before 1995 for which standardised Eurostat data is available;

(c) not later than 15 years after the date laid down in Article 18(1), biodegradable municipal waste going to landfills must be reduced to 35 % of the total amount (by weight) of biodegradable municipal waste produced in 1995 or the latest year before 1995 for which standardised Eurostat data is available.

Two years before the date referred to in paragraph (c) the Council shall re-examine the above target, on the basis of a report from the Commission on the practical experience gained by Member States in the pursuance of the targets laid down in paragraphs (a) and (b) accompanied, if appropriate, by a proposal with a view to

confirming or amending this target in order to ensure a high level of environmental protection.

Member States which in 1995 or the latest year before 1995 for which standardised EUROSTAT data is available put more than 80 % of their collected municipal waste to landfill may postpone the attainment of the targets set out in paragraphs (a), (b), or (c) by a period not exceeding four years. Member States intending to make use of this provision shall inform in advance the Commission of their decision. The Commission shall inform other Member States and the European Parliament of these decisions.

The implementation of the provisions set out in the preceding subparagraph may in no circumstances lead to the attainment of the target set out in paragraph (c) at a date later than four years after the date set out in paragraph (c).

3. Member States shall take measures in order that the following wastes are not accepted in a landfill:

(a) liquid waste;

(b) waste which, in the conditions of landfill, is explosive, corrosive, oxidising, highly flammable or flammable, as defined in Annex III to Directive 91/689/EEC;

(c) hospital and other clinical wastes arising from medical or veterinary establishments, which are infectious as defined (property H9 in Annex III) by Directive 91/689/EEC and waste falling within category 14 (Annex I.A) of that Directive.

(d) whole used tyres from two years from the date laid down in Article 18(1), excluding tyres used as engineering material, and shredded used tyres five years from the date laid down in Article 18(1) (excluding in both instances bicycle tyres and tyres with an outside diameter above 1 400 mm);

(e) any other type of waste which does not fulfil the acceptance criteria determined in accordance with Annex II.

4. The dilution of mixture of waste solely in order to meet the waste acceptance criteria is prohibited.

Article 6

Waste to be accepted in the different classes of landfill

Member States shall take measures in order that:

(a) only waste that has been subject to treatment is landfilled. This provision may not apply to inert waste for which treatment is not technically feasible, nor to any other waste for which such treatment does not contribute to the objectives of this Directive, as set out in Article 1, by reducing the quantity of the waste or the hazards to human health or the environment;

(b) only hazardous waste that fulfils the criteria set out in accordance with Annex II is assigned to a hazardous landfill;

(c) landfill for non-hazardous waste may be used for:

(i) municipal waste;

(ii) non-hazardous waste of any other origin, which fulfil the criteria for the acceptance of waste at landfill for non-hazardous waste set out in accordance with Annex II;

(iii) stable, non-reactive hazardous wastes (e.g. solidified, vitrified), with leaching behaviour equivalent to those of the non-hazardous wastes referred to in point (ii), which fulfil the relevant acceptance criteria set out in accordance with Annex II. These hazardous wastes shall not be deposited in cells destined for biodegradable non-hazardous waste,

(d) inert waste landfill sites shall be used only for inert waste.

It should be noted that the landfill directive does not impose obligations on individual landfill operators, but on Member States to take measures preventing certain wastes being landfilled. In particular there is no obligation under Article 6 of the Directive for a landfill operator to have to demonstrate anything in relation to the pre-treatment of waste, and the EPA document is clearly erroneous on this point. This false statement is also repeated on page 14 of the document. Any such obligations would be a matter for Member States themselves. Member states could equally and perhaps more effectively achieve the requirements of the directive by placing obligations on those collecting waste and delivering it (or not) to landfills.

There appears to be an assumption in this part of the document that the achievement of national diversion targets has to be spread equally among all landfills, and the obligation is on each landfill operator to achieve the same proportional diversion of BMW. This does not necessarily have to be the case. An alternative approach would be to ban all BMW from certain landfill sites and allot differing quotas to others. The summary of obligations for 2010, 2013, and 2016 in the document is very confusing. The suggestion that a certain percentage of BMW accepted at a landfill facility for disposal must be biologically pre-treated (including pre-treatment) needs to be explained fully.

Statistics

In relation to future BMW projections (EPA-ESRI ISus), there is possibly a need to review these statistics in light of the rapidly deteriorating economic situation. Also, three bin collection systems, including a separate bio-waste collection (brown bin), are being rolled out in many waste regions from the end of this year, and diversion projections need to be updated in the light of experience so far of the efficiencies of such systems where they already exist. On this point it is noted that there is no specific reference in the document to three bin collection systems. This would seem to be an omission from Figure 6 on page 18, as one would expect that a three bin system should be a minimum pre-treatment requirement at least in some situations, given that it is provided for in regional waste plans.

Minimum Pre-Treatment Obligations

Referring to page 15 of the document, the proposed requirement for a landfill operator to demonstrate to the EPA that all waste delivered to a landfill will have been adequately pre-treated (including diversion) is unreasonable and un-workable. A landfill operator can prevent certain wastes being disposed of at a facility which are banned under the landfill directive such as waste tyres, but is not generally in a

position to ensure that all waste arriving at the facility has been pre-treated. In particular, it is totally unreasonable to expect a landfill operator to have knowledge of waste diversion rates of customers delivering waste for disposal to his facility. In effect, this would require the operator of a landfill facility to have a policing role over other facilities such as material recovery facilities from which it receives waste for disposal, and also over waste collection systems in order to ensure for instance that black bin waste from a particular area was part of a multi bin system. Such obligations are not appropriate for a landfill operator to undertake in the normal course of events, and it would be unreasonable to include conditions to this effect in a landfill waste licence.

In relation to the requirement for mechanical treatment of black bin waste in large urban centres, the propose size of such centres needs to be specified. Presumably this would apply only to large cities. Again it is not reasonable to place the onus of demonstrating the existence of pre-treatment on an existing landfill operator accepting the waste, unless such pre-treatment is carried out on site and covered by the same waste licence.

Conclusion

Diversion of BMW away from landfill is a key requirement for complying with our national obligations. This onus should not fall only or mainly on the operators of landfills. Waste collectors have the initial responsibility in deciding where to bring waste in accordance with the conditions attached to their waste collection permits. If there is to be a requirement to pre-treat black bin waste in a particular area, for instance, the only effective way of doing this is to impose an obligation on the collector to bring that waste to a particular type of facility which can carry out the required pre-treatment. The operator of that facility can then be obligated under its authorisation (EPA/L.A.) to achieve a certain standard of treatment including a limit on the proportion of treated waste going to landfill. This makes much more sense than attempting to place unworkable obligations on landfill operators. Control and enforcement of the waste collection permitting system along with relevant conditions in waste facilities other than landfills are vital in achieving national diversion targets. From a consistency viewpoint this should be done through the regional Waste Management Plan structure with national guidance from the EPA. This would also allow clarification of issues such as the definition of 'large urban centres' for mechanical treatment of black bin as called for in the document.

Measures will also need to be put in place to cover the pre treatment of waste that is not classified as municipal as the directive relates to all waste. Landfill operators may be required to provide measures to cater for private customers where such customers are facilitated at the landfill. Guidance on minimum Pre Treatment requirements for waste deposited by the public at landfills and for other non Municipal Waste accepted at landfill should therefore also be drawn up for consultation.

Éamonn Walsh
Director of Services.