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To: Dr Jonathan Derham
EPA Licensing Unit
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Our Ref.: 174

Municipal Solid Waste – Pre-treatment & Residuals Management
Draft EPA Technical Guidance Document

Dear Dr. Derham,

I refer to the above and wish to make a submission on behalf of the Connacht Waste Management Region as follows:

Range of potential control measures.

The Draft Technical Guidance document (the Document) addresses compliance with the landfill directive by concentrating on the pre-treatment of waste.

It is clear that there are other combinations of methods and mechanisms that could and should be considered for use to achieve a similar result. It is a matter of concern that such an emphasis is placed on mechanical pre-treatment of waste. The whole issue of available licensed landfill capacity has not been adequately addressed. This is seen as a key issue. It appears that so long as an applicant for a landfill licence meets the technical, physical and managerial criteria laid down that such a licence will be granted. It does not appear that adequate consideration is given to the capacity of that landfill either in the context of the relevant region or the country as a whole. The availability of excess capacity combined with the relatively cheap cost of haulage is already creating a dysfunctional market (This is the experience of the Connacht and the Mid West Regions, where large inter-regional movements of waste take place). If one of the Landfill Directive's function is to reduce the volumes of waste being consigned to this disposal option then capacity has to be a consideration. It is considered that the EPA's concern with a "skewed"

or dysfunctional market (Page 14) should also extend the effects of overcapacity when considering a License application. If there is an oversupply of Landfill capacity, then it is likely that operators will strive to maximise the intake by competing on price. There is a concern that similar acceptance standards may not be applied by all operators in order to achieve this optimisation. The relatively low cost of transport, when it comes to waste, already means that there are substantial inter-regional waste movements, which are environmentally unsustainable but make economic and strategic sense when a collector is part of a company that operates a landfill or is competing with one. This arises because there is in practice no restrictions on the movement of waste between regions, it is economic to do so and the excess capacity is invariably available. The consequence of this is that smaller landfill operators may be unable to meet their long term funding set-aside requirements to ensure adequate aftercare as required by the directive. The control of available landfill capacity will drive unacceptable wastes fractions into alternative processes.

It is noted that limitations on capacity is a viable control method that may be used to achieve compliance with the Landfill Directive.

Concentration on MBT

It is considered that the Document places an over emphasis on the mechanical treatment of residual waste prior to landfill.

Connacht, like most regions, has widespread 2-bin segregated collection services available to the householder. Further, there is a long history of 3-bin segregation (Dry Recyclable, Organic and Residual waste) in the region which achieves the levels of diversion required by the Waste Plan which itself has been drafted to meet the requirements of the Landfill Directive. These 3-bin services, which have been introduced in Galway City and parts of Galway County and the Aran Islands, have a proven track record. They have been examined by the local collection industries, who have been satisfied to develop solutions along those lines. One operator alone has installed approximately 40,000tonne per year of compost capacity to meet the Landfill Directive. It is currently undergoing compliance accreditation from the Department of Agriculture. Were it to be the case that residual waste in the context of a 3-way segregated collection service being provided was still to be pre-treated by some MBT process then it is most likely that the costs and

economies of scale would drive all of the organic fraction through such a process thus jeopardising the composting process in terms of resource production. Were the opposite to be the case, and the composting process to be retained, then an additional MBT process will be required. This will add additional cost to waste services, as inevitably such additional costs will be passed onto the householder (Confirmation of this has been received from one large regional collector in the context of this document). Already it is optional for householders to have a service and even with high levels of competition between collectors the regional participation rate is just less than 80%. Additional collection costs will reduce this with a consequent increase in Unaccounted for Waste and Unauthorised Waste Activities. Anything that increases the potential for Unauthorised Waste Activity should be avoided.

The imposition of additional and unnecessary costs should be avoided.

Animal By-products Regulations

Compliance with the landfill directive is affected by the application of other regulations not directly associated with waste management but animal health.

Compliance with the Landfill directive is proving more difficult due to the uncertainty surrounding the application of the Animal By-products Regulations. Were this to be addressed in a manner that provided greater clarity and certainty for the collector, then faster compliance would result - not alone from the earlier commissioning and operation of systems already in place but by giving much needed confidence to other collectors currently unsure of investing in systems without a guarantee of success.

The document does not adequately assess this factor in terms of its potential to achieve (or otherwise) the early diversions required by the landfill directive.

Existing Achievements

Connacht is well on the way to achieving the landfill directive's requirements with existing system and this should not be undermined.

It has taken considerable time and effort to ensure that 2-way segregated collection services have been provided throughout the region and accepted by the householders. Considerable resources

have been invested in securing householder acceptance on the basis that there is a need to achieve segregation prior to Landfill. If there is now to be a MBT requirement for the residual waste stream even after segregation then it is the view of the region that once this is known, it will undermine the public's willingness to segregate on the basis that it is going to be treated in any event.

The need for pre-treatment should be on the basis of assessment of the content of this waste stream and not just a blanket requirement. It is noted that the UK accept a segregated collection system as deemed to meet the pre-treatment requirements; the same should be accepted in this country. It is accepted that this may be verified following Waste Categorisation Surveys of such residual material, but under no circumstances should it be mandatory to MBT residual waste if it is already source segregated by an appropriate system.

The need to treat residual waste should be on a performance basis and not be the subject of an absolute requirement.

Rural refuse Collection

It would appear that the modus operandi of collectors who service rural areas is not generally clear.

Rural collection routes comprise of a mix of rural and urban areas. They include local villages, smaller population centres and towns as well as purely rural districts. There are few if any collection routes that do not include a population centre. Consequently the practicality of separating urban from rural is questionable. It does not happen in practice. The assertion (page 14) regarding the lack of viability of relatively sophisticated solutions for such collection services is not soundly based. Indeed there is a view that there is a greater need for sophisticated solutions for such services to keep them competitive. The fact that the region is characterised by many smaller collectors (Mayo has seven!) and the fact that this is the most competitive area for domestic collection and that all of the collectors have their own processing facilities which allow them options on end markets and disposal routes vindicates the stance taken on this issue.

Generally speaking there is no significant difference between a rural and urban collection as most collection routes are mixed.

The application of specific requirements on the basis that a collection route covers a "rural" area is not considered appropriate.

Power of a Nominated Authority

Nominated Authorities have the necessary power and obligation to ensure compliance.

It should be noted that there is a regulatory route already available to Local Authorities namely the Waste Collection Permit Regulations. Following recent court cases in other waste Management Regions, it was agreed to adopt a policy with regard to bio waste diversion so as to ensure regional compliance for the Connacht Region. Specific thresholds have been regionally agreed which include target dates and percentage collection for domestic and non-domestic bio waste. These targets had been selected to ensure compliance with the Regional Waste Plan and thus the Landfill Directive. The regulatory basis for this is derived from Article 20 of the 2007 Waste Management (Collection Permit) Regulations 2007 as amended. Compliance with this regulatory requirement is mandatory not optional as the Article used the word "shall". It is the intention of the Nominated Authority to meet in full its regulatory requirements in this regard.

Sufficient obligations are already in place and it is not necessary to place additional mandatory requirements on those who regulate collectors.

Future Developments

The municipal collectors in the region are aware of the need to meet the directive requirements.

The region has made contact with municipal collectors operating in the region with a view to increasing awareness of the need to meet the Bio-waste diversion targets. There is satisfaction that sufficient progress will be made in this area, which will enable the region to meet the directive's requirements on time. It is the intention of the Nominated Authority to ensure compliance through the applications of appropriate conditions so as to meet the relevant needs.

There is no clear current or immediate future need to apply blanket requirements for MBT treatment of residual waste as set out in the EPA's Draft Document.

Lead-in time to meet MBT requirements

It is considered that were the residual waste following source separation be required to undergo an additional treatment like MBT then this could result in a dysfunctional market.

Currently there are no MBT facilities either in place or planned in the region. The lead-in time for such facilities is between two to five years. Consequently defining and applying BAT within such a short time scale as that proposed by the EPA will impose restrictions on the market to the extent that it cannot comply. It will render the market dysfunctional. It will reduce the element of competition as a result of only a limited number of operators in the whole country having suitable plant in place and up and running by the required date. It is possible for source segregation to meet the diversion standards. There are plans to extend 3-bin collection to areas not already covered. Those 3-bin services in place already meet the requirements. The extended 3-bin service will improve compliance. There should be an acceptance that such source separated material be deemed to satisfy.

The lead-in time for 3-bin segregated collection services is much less than new MBT facilities and so there should be no instance on a MBT facilities.

Conclusions

- It is recommended that other methods like restrictions on licensed landfill capacity be included for consideration as methods of ensuring compliance with the directive.
- It is recommended that a 3-bin source segregated collection system, designed to remove Bio-Waste from the waste stream, be deemed to satisfy the need for pre-treatment.
- It is recommended that greater emphasis be given to source segregation of Bio-Waste as an acceptable method of pre-treatment so as to build on the successes already achieved and align with the National Strategy on Bio-Waste.
- It is recommended that the emphasis on MBT in the Document be diminished so as not to undermine progress already made in the area of source segregation of domestic waste.
- It is recommended that greater certainty with regard to Animal by-products compliance for composting systems is required and has a critical role with regard to earlier diversions of Bio-waste from landfill.
- It is recommended that cognisance be taken of the lead-in time for any technology generally and in particular with Department of Agriculture compliance requirements in the context Animal By-products and composting municipal source segregated Bio-Waste so as to facilitate and not hinder landfill diversion.

Any queries in relation to this submission should be addressed to the undersigned.

Kind Regards

M. J. Joyce
Regional Waste Coordinator