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Re: Pre-Draft Consultation Notice: National Waste Management Plan for a Circular Economy

Our Ref: *EPAC-1221*

Dear Philippa,

Further to the public notice of the pre-draft consultation of the National Waste Management Plan for a Circular Economy, I am pleased to make a submission from the Environmental Protection Agency with regard to the new National Waste Management Plan for a Circular Economy.

In 2020, the EPA published the latest State of the Environment Report: “*Ireland’s Environment - An Integrated Assessment*”. This publication provides a detailed account of the overall quality of Ireland’s environment; the pressures being placed on it; and the societal responses to current & emerging environmental issues. The assessment found that the overall quality of Ireland’s environment is not what it should be, and the outlook is not optimistic unless we accelerate action. The report, which forms the basis of this submission, identifies the need for national & sectoral action; and full & early implementation of plans & programmes.

National Policy

The State of the Environment Report identified the need for an overarching national environmental policy position that integrates and delivers across multiple related strategies, plans and programmes. This recognises that environmental issues and challenges such as waste management, climate change, air quality, water quality and biodiversity cannot be looked at in isolation as they are complex, interconnected and need to be tackled in an integrated way. The forthcoming National Waste Management Plan should address such integration in its preparation and implementation.

Waste Management for a Circular Economy

Ireland’s waste management landscape changed radically with the implementation of the Waste Management Act in 1996. From a low base, we have made great strides in reducing disposal to landfill, providing an infrastructure for the collection of recyclables and developing expertise in waste management and regulation. However, Ireland has reached a plateau in relation to waste management; to further deliver the necessary waste prevention and circular economy ambitions will be a challenge. The latest waste statistics indicate that

waste generation is increasing in many waste streams, including municipal, C&D waste, hazardous waste, WEEE and ELVs. The link between economic growth, consumption levels and waste generation has not been broken.

Municipal and packaging waste recycling rates have stagnated or declined but improved segregation of kerbside bins could bring about significant improvement in rates. Landfill and waste to energy recovery in Ireland is at capacity and the country is highly dependent on export markets to residual, recyclable and hazardous waste. We also need to build in resilience to Ireland's waste management capacity in the event of emergencies.

The new Plan should aim to prevent waste at all stages of a products lifecycle to incentivise reuse & repair; increase recycling; and extract the maximum resource value from residual waste. Implementing the policy initiatives articulated in the Waste Action Plan for a Circular Economy will be central to delivering the systemic changes needed and should be reflected in the forthcoming Waste Management Plan.

This submission reflects the key findings of EPA assessments, data and insights and puts forward priority measures that have been identified for consideration in the development of the National Waste Management Plan. Links to these documents are included in Appendix I, which should also be considered as part of the EPA submission.

The EPA is happy to discuss all aspects of this submission and looks forward to participating in the consultation on the draft plan in due course. The Agency is of course available for further discussions on these points as the plan develops.

Sincerely,

Sharon Finegan
Director

Environmental Protection Agency Submission to Pre-Draft Consultation on the National Waste Management Plan for a Circular Economy

National Policy

The National Waste Management Plan for a Circular Economy is being prepared at a pivotal time for waste management, with the recent publication of the Waste Action Plan for a Circular Economy policy; the drafting of a national Circular Economy Strategy and EPA's Circular Economy Programme; and the transposition of circular economy legislation into national law. Ireland now has the opportunity to introduce systemic change in waste management through policy and planning to drive circular economy and climate action in Ireland. While plans and programmes provide important frameworks, implementation of statutory obligations and targets are also needed to drive change, underpinned by effective enforcement and penalties to deter illegal behaviours.

- The new National Waste Management Plan should drive best-practice on waste management and ensure protection of human health and the environment in Ireland.
- In line with government policy and legislative requirement, the Plan should use the Waste Hierarchy as a basis for establishing its priorities and activities, including a clear primary focus on prevention.
- The plan should note the trends and pressures for waste management as highlighted in the EPA's latest State of the Environment Report¹. These include:
 - Ireland's use of resources and generation of waste are high
 - Population growth is likely to drive further waste generation.
 - The structure of Ireland's household waste collection market is atypical.
 - Ireland has limited, and in some cases zero, national capacity to treat wastes generated.
 - Interagency cooperation is vital given the existing planning and regulatory systems.
 - The provision of good-quality, timely waste data is a priority action.
- The new plan should have an emphasis on moving to a less wasteful and circular economy where the priority is waste prevention, reuse, repair and recycling. It should seek to prompt behaviour changes by businesses to individuals on resource consumption, waste management and recycling.
- In line with the measures proposed in the Waste Action Plan, the EPA has reconfigured the National Waste Prevention Programme as Ireland's 'Circular Economy Programme'. The programme has a "designated coordinating role to support the DECC circular economy unit in overseeing national, regional and local activities to improve coherence and alignment of national and local activities and ensure maximum impact". The National Waste Management Plan should ensure that its priorities and operational structures in this area are aligned to the Circular Economy Programme.
- The new National Waste Management Plan should address national and EU policy regarding the circular economy including legislative changes driven by the European Commission's 2015 Circular Economy Action Plan that will introduce:
 - Challenging recycling targets and new separate collection obligations and in some cases collection targets (certain plastic beverage bottles, textiles, waste oils and household hazardous wastes).

¹ <http://www.epa.ie/irelandsenvironment/stateoftheenvironmentreport/>

- New data reporting obligations (food waste generated along the supply chain, oils and waste oils, placed on the market data).
 - Restrictions on placing certain single-use plastic products on the market (cotton bud sticks, cutlery, plates and straws).
 - Labelling requirements for certain single-use plastic products.
 - New extended producer responsibility initiatives and measures to reduce the consumption of certain single-use plastic products.
- In framing this plan, the authors should consider the needs and views of all stakeholders including regulatory bodies; the public & NGOs; business operators; and the waste management sector.
 - Resilience should be a key factor underlying the preparation the plan. This includes climate proofing of plan actions and recommendations to ensure the plan is aligned to national climate ambitions and targets. It should also consider measures to enhance infrastructural resilience through using learnings from recent events such as Brexit and the Covid pandemic.

Food Waste Prevention

Initial EPA estimates indicate that Ireland generated approximately 1 million tonnes of food waste in 2018. About half of this came from the processing and manufacturing sector, with the remainder arising from households (252,500 tonnes per year) and the commercial sector including restaurants/food service and retail/distribution (203,300 tonnes per year). These figures exclude food waste arising at the primary production stage, for which data are not currently available.

- Prevention of food waste is an essential element of the circular economy. The new plan should have regard to:
 - Achievement of a 50% reduction in food waste by 2030, articulated in Government Waste and Climate Action Plans and the Sustainable Development Goals.
 - Measures articulated in the Waste Action Plan for the development of a national strategic approach to food waste prevention.
- Plan actions in this area should be aligned to the messaging and priorities of the existing EPA-led national food waste prevention programme. Associated activities should be structured with a view to achieving measurable reductions in food waste in households and businesses.
- Promotion and regulation of optimal practices for food waste collection and treatment should be identified and pursued to support food waste prevention efforts.

Hazardous Waste

EPA waste statistics published in 2020 indicate that the amount of hazardous waste produced in Ireland continues to increase. Ireland produced 581,000 tonnes of hazardous waste in 2019, an increase of 55,000 tonnes since 2018. Hazardous waste generation in Ireland has been increasing since 2015, driven mainly by increases in incinerator ash and contaminated soils. While treatment capacity in Ireland has increased for some waste types, such as contaminated soils, Ireland still does not have the range of facilities to deal with all of the hazardous waste generated in the country. Overall 65 per cent of Ireland's hazardous waste was exported for treatment to other EU member states in 2019.

- The new plan should have regard to the recommendations and data within the new National Hazardous Waste Management Plan (NHWMP) - which will be published in mid-2021. The

NHWMP is expected to highlight the ongoing need to establish national collection schemes for certain waste streams (for example surplus & expired medicines, farm hazardous wastes and surplus paint); along with addressing capacity to store and manage challenging waste streams (for example orphan radioactive wastes). More generally, the NHWMP will set out a series of recommendations to:

- Drive & support priority prevention actions by industry and the public to reduce the generation of hazardous waste;
- Support the identification of adequate and appropriate collection infrastructure for all hazardous wastes with a view to mitigating environmental and health impacts;
- Endorse the proximity principle such that hazardous wastes are treated as close to the point of production as possible - including within Ireland, where feasible;
- Support effective regulation of the movement and disposal of hazardous wastes in line with national policy priorities;
- Promotion of safe reuse and recycling pathways in support of the circular economy.

Regulation

Non-compliance in the regulated waste sector is an ongoing issue, and the EPA and local authorities are responsible for enforcement. A risk-based approach is taken and resources directed to national priority areas. There is a significant level of enforcement activity and, given that enforcement responsibilities are shared across regulators, it is important to maintain a high level of interagency cooperation to ensure consistent approaches are taken and information and data shared efficiently and effectively. Waste crime is a significant cost to the state, from staff resources to remediation costs, and illegal activity ranges from littering to backyard burning to large-scale unauthorised waste disposal.

Waste legislation needs to be effective and enforceable and the range, level and application of penalties for breaches of waste management legislation sufficient to deter unwanted behaviours. The SOER identified that Ireland has an opportunity to introduce systemic change through policy and consistent multiagency enforcement campaigns to change public behaviours are needed to effectively target littering in urban and rural areas, to prevent waste crime to ensure that those who break the law are held accountable.

Authorisations

The role of appropriate regulation in the achievement of circular economy ambitions should be emphasised in the Plan.

- There has been progress with regard to good practice for the beneficial management of resources, both in terms of waste prevention and waste recovery/recycling. However, it is important that these practices are regulated in a manner that continues to ensure that there is no overall adverse environmental or human health impacts. Good circular economy practice does not mean that regulation can be disregarded at any time.
- The timeframe for achieving appropriate authorisation is often underestimated by operators, with the result that environmental or human health may be put at risk if the necessary consents or determinations are not obtained at the right time.
- Various players have roles in the overall successful application of circular economy principles, not just waste operators and regulators, but also other key decision-makers and decision-making

processes such as inter alia pre-planning, planning, procurement, product regulatory controls and standards implementation, it is important that this is reflected within the Plan.

- Education and training is an essential element of the successful delivery of circular economy ambitions. This is to ensure that all stakeholders are sufficiently aware of their responsibilities and the mechanisms and supports in place to allow them to achieve their ambitions, including regulation, implementation and the roles of various stakeholders.

Enforcement

- There are issues with implementation of the landfill levy regulations particularly vis a vis the definition of recovery and concerns about possible misclassification. Consideration should be given to having the three local authorities involved in enforcement of these regulations co-operating closely together on the existing levy arrangements to provide clear binding guidance, as to what constitutes recovery.
- Enforcement responsibilities in relation to waste crime in Ireland is spread over several state actors including the EPA, local authorities, WERLAs, National Transfrontier Shipment Office, National Waste Collection Permit Office as well as An Garda Síochána. The EPA believes that there is scope to further enhance the coordination between these agencies in tackling illegal waste activities and the new Waste Management Plan should provide for this.
- The EPA is currently undertaking a study into the nature and extent of waste crime in Ireland. This work will be concluded in the coming year, and the plan should provide for responding to its findings.
- Local Authorities are responsible for the enforcement of a large number of waste authorisations (e.g. permits and Certificates of Registration), however limited enforcement information relating to this activity is currently available in the public domain, such as published site inspection reports or annual environmental reports. The EPA makes such reports available to view on its website for licensed waste facilities and also regularly publishes national enforcement reports, national priority sites lists etc. Consideration should be given to Local Authorities developing coordinated policies and an IT system to allow for effective sharing of enforcement data and the publication of some enforcement reports.

Waste treatment capacity

National municipal landfills and waste-to-energy facilities are operating at capacity and Ireland has some significant waste infrastructure deficits, as evidenced by its high dependence on export markets for treating municipal and hazardous wastes. There is a risk to the state in the event of export markets closing at short notice and the planned contingency landfill capacity needs to be secured without delay. Developing new recycling industries and markets in Ireland would build its self-sufficiency, while recognising that viability may be an issue given the volumes produced here. Civic amenity sites and bring banks serve an important function in Ireland's waste management infrastructure, and there is potential to increase their number, aligned with population density, and for the role of civic amenity sites to be expanded to include opportunities for reuse and repair activities; Additionally the plan should address the following:

- In tracking waste treatment capacity at landfills, any new plan should factor in the actual void space utilisation taken up by waste accepted for recovery, and not just for disposal. It should be noted that the quantities being accepted for recovery now typically exceed those accepted for disposal.

- The plan should consider the provision of contingency waste treatment capacity to deal with unexpected events that would either produce a spike in waste generation (e.g. disease outbreak), or restrict the normal outlets used for treating waste (e.g. waste market restrictions, unexpected shut-down of key treatment infrastructure).
- The plan should address challenges for the treatment/disposal of difficult waste streams – e.g. invasive plant species material. Note that the EPA produced a report on this issue in 2010².
- The plan should consider the availability of treatment capacity, particularly landfill, to deal with legacy unauthorised waste deposits. This includes a number of unauthorised landfills in Northern Ireland that require waste to be repatriated, and the removal of waste from more recent unauthorised waste deposits that are discovered. Note that the Comptroller & Auditor General published a report on this issue in 2020³.
- The plan should consider measures to accelerate and prioritise the remediation of the 280 known Local Authority Historic Landfills. Under Statutory Instrument no. 524 of 2008, these require the completion of environmental risk assessments and remediation under Certificates of Authorisation which are issued by the EPA, however the legislation does not set out a timeframe for this work to be completed, and few applications have been submitted to the EPA to-date.

Improving Waste Recycling

While Ireland is meeting current legislative targets for waste collection, recovery and recycling, and diversion from landfill, future targets will be a significant challenge given our current performance, particularly municipal and packaging recycling targets for which rates have plateaued or are declining. Future EU legislative targets are for recycling (none for recovery) and reuse targets are expected in future.

Significant improvement in national recycling rates could be achieved through improved segregation. The EPA's most recent national municipal waste characterisation study in 2018 found that over 20% of material in the household recycling bin should not be there and that packaging material in the recycling bin is now less clean now than it was ten years ago. Two-thirds of the plastic waste that ends up in our bins is not currently being targeted by Ireland's recycling list. While there has been a significant reduction in organic waste in the household residual bin thanks to the introduction of the brown bin, still only 43% of Irish households now have a brown bin and about half of household organic waste is still being disposed of in the 'wrong' bins (i.e., the recycling or residual bin). In the commercial sector, almost 70% of the content of the residual waste bins could potentially be diverted either to recycling or to brown bins.

- Waste collection companies should take a greater role in driving improvements in waste management behaviours to improve our recycling rates in line with future recycling targets. Measures needed include: ensuring customers segregate correctly and use the appropriate bin; expanding provision of brown bins to households; broadening of the scope of what can be recycled by Irish homes and businesses.
- EPA national waste statistics indicate that much municipal and packaging waste is sent for energy recovery. While this waste management option is preferred over disposal to landfill, there is a risk that it may disincentivise extraction of recyclable materials from residual waste.

² https://www.epa.ie/pubs/reports/waste/haz/EPA_NaDWaF_report_Final.pdf

³ <https://www.audit.gov.ie/en/find-report/publications/2020/2019-annual-report-chapter-9-remediation-of-landfill-sites.pdf>

- The plan should consider incentivised charging for waste management, including implementing a more consistent charging structure and service levels for householders; and consideration pay by weight measures for the commercial sector to incentivise waste prevention and improved segregation and recycling.
- The plan should consider improving the provision of Civic Amenity Facilities around the country, particularly around major population centres, to encourage the proper segregation and recycling of hazardous wastes, bulky waste, WEEE etc. This will improve recycling rates, and reduce the prospect of unauthorised disposal of these items.
- The plan should consider measures to promote the roll-out and proper use of brown bin waste collections for all households across the country.
- Ireland's current biological treatment capacity is heavily utilised to stabilise organic fines rather than producing high quality compost, and we are currently exporting a lot of food waste to Northern Ireland for treatment. We also have limited Anaerobic Digestion (AD) capacity to treat animal slurries, which is a lost opportunity to reduce agricultural greenhouse gas emissions and to improve water quality. The plan should consider incentivising indigenous biological treatment options to produce higher value outputs and/or renewable energy, possibly including financial incentives to encourage more AD of biowaste and agricultural waste.
- The plan should include a gap analysis of the legal framework for recycling of C&D material against the policy objectives for a circular economy.

Data

- The Waste Action Plan for a Circular Economy recognises the growing need for waste data that is accurate, timely and relevant for policy makers and regulators. At a national level, such data is needed to inform policy decisions, monitor policy implementation and for target reporting while at a regional and local authority level it will allow for enhanced capacity planning, better enforcement and assist in the fight against waste crime. In addition, the Circular Economy Package gives rise to demands for new types of data and information to evaluate progress in reducing waste generation and maximising the reuse of material.
- To strengthen and improve the national governance arrangements around waste data collection, validation, sharing and integration in a coordinated way, the EPA, supported by the National Waste Collection Permit Office has established a National Waste Data Network. We look forward to working closely with the Regional Waste Management Planning Offices and other key stakeholders via the network to drive urgent improvements in the collection, processing and sharing of waste data and progress the shared goal of delivering more accurate, timely and relevant waste data for Ireland.
- In developing the Plan, a key consideration will be the selection of appropriate and robust indicators to monitor and assess the implementation and effectiveness of the Plan over its lifetime in delivering on national policy commitments and targets. The EPA welcomes the opportunity to provide input and engage in the indicator selection process as the preparation of the Plan advances. The publication of annual implementation reports with key indicator data will be important to assess the delivery of the Plan's commitments and for public information and transparency. The EPA's National Waste Statistics web resources publishes the latest national waste data, while the Ireland's Environment section of the EPA website publishes a range of key waste and environmental indicators. We are continually expanding the waste and indicator data available on our website and are pleased to engage further.

- In looking at waste projections for the forthcoming plan, consideration should be given to the number of households that do not currently avail of a kerbside collection. There is a need to establish better quality information on the scale of this unaccounted for waste, and how it is being managed to reduce the scale of unauthorised waste disposal.
- Significant costs are incurred by Local Authorities and the State to deal with waste management covering a range of issues such as litter, the enforcement of waste legislation and managing unauthorised waste deposits. There is however limited data on the actual costs being incurred on a regular basis, and in particular, the costs associated with the management of unauthorised waste deposits and enforcement of same. Consideration should be given to recording of such data, so as to be able to track the success of policy interventions.

Strategic Environmental Assessment

- The Agency advises that the authors of the plan should fully consider, as appropriate, the requirements of the Strategic Environmental Assessment Regulations (S.I. 435 of 2004, as amended) and the Habitats Directive, early in the plan-preparation process.
- The Agency refers the authors to the EPA Synthesis Report on Developing A Strategic Environmental Assessment (SEA) Methodologies For Plans And Programmes In Ireland (and the pre-screening check contained within) to assist in considering whether SEA is required for the Plan⁴.

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⁴ <http://www.epa.ie/pubs/advice/ea/developmentofseamethodologiesforplansandprogrammesinireland.html>

Appendix 1: Links to EPA publication and resources relevant to the preparation of the Draft National Waste Management Plan

Ireland's Environment - An Integrated Assessment 2020

<https://www.epa.ie/irelandsenvironment/stateoftheenvironmentreport/>

EPA submission on Waste Action Plan for a Circular Economy

<http://www.epa.ie/pubs/epasub/epasubwasteactionplancirculareconomy.html>

National Waste Statistics Summary Report for 2018

http://www.epa.ie/pubs/reports/waste/stats/wastereport2020/EPA_Nat_Waste_Stats_Report_Web.pdf

National Waste Statistics portal

<http://www.epa.ie/nationalwastestatistics/>

Non-Household Waste Characterisation Campaign - final report

http://www.epa.ie/pubs/reports/waste/wastecharacterisation/Final_Report_NHWC.pdf

Household Waste Characterisation Campaign - final report

http://www.epa.ie/pubs/reports/waste/wastecharacterisation/Household_Surveys_Final_Report1.pdf