

***Extract from the Minutes of the 1118<sup>th</sup> Licensing Meeting of the Agency was held on 18 April 2023, in the EPA Regional Inspectorate, Clonskeagh, Dublin 14.***

The 1118<sup>th</sup> Licensing Meeting of the Agency was held on 18 April 2023, in the EPA Regional Inspectorate, Richview, Clonskeagh, Dublin 14.

Directors Present: L Burke (Chair);  
G O' Leary, M Lehane, E Cotter & T Ryan.

**3. Office of Environmental Sustainability**

***(i) Recommended National end of waste criteria for recycled aggregates***

The Directors considered a recommendation from the Office of Environmental Sustainability that the Agency approve the Recommended end of waste criteria for recycled aggregates. The following documentation were considered by the Directors: Recommended National end of waste decision and a Report of the Inspector dated 6 April 2023.

Kate Clark and Warren Phelan gave verbal presentations.

**Inspector's Report**

The Directors noted the Inspector's Report.

**Recommended National End of Waste Decision**

The Directors approved the recommendation with the following amendments:

**Section 1 - Subject matter**

Amend the last paragraph under section 1 as follows:

1. 'The ~~Agency~~ *Environmental Protection Agency (herein referred to as the Agency)* accepts no responsibility for material produced in compliance with these criteria. It is the producer's responsibility to ultimately ensure the material is fit for the intended use. It is the user's responsibility to store and use the material as specified by the producer. *Any person who gives either to an authorised person, a relevant local authority or the Agency, information which to his or her knowledge is false or misleading in a material respect, shall be guilty of an offence.'*

*Reason for Decision:*

In the interest of providing clarity.

**Section 4 - Specific uses & restrictions on use**

1. Amend the first point as follows:

~~The~~ *Recycled aggregate fulfilling the criteria set out in Section 3 shall only be specified in the statement of conformity as suitable for use for purposes listed in Part 1 of Annex II.'*

*Reason for Decision:*

In the interest of providing clarity.

**Section 5 - Statement of Conformity**

1. Amend the first point as follows:

‘The producer shall issue a statement of conformity ~~conforming to~~ using the template set out in Annex III for each batch or consignment of recycled aggregate, whichever is of smaller quantity.’

Reason for Decision:

To provide clarity on the condition.

**Section 7 - Register & Reporting**

Amend the first point as follows:

2. ‘~~Any producer~~ Prior to production of recycled aggregates in accordance with these criteria, a producer shall register as a producer on the Agency’s public register, or as may be otherwise prescribed by the Agency. Where it is the case that a producer operates under multiple waste authorisations, a separate registration shall be made relating to each waste authorisation under which the recycled aggregates are produced.’

Amend the second point as follows:

3. ‘The producer shall report tonnages of recycled aggregates produced per annum on an annual basis as part of environmental performance reporting/ annual environmental reporting for the waste authorisation under which the material is produced, or shall make such records available as may be otherwise prescribed by the Agency, Local Authorities, the National Waste Collection Permit Office or the National Transfrontier Shipment Office. Any person who gives either to an authorised person, a relevant local authority or the Agency, information which to his or her knowledge is false or misleading in a material respect, shall be guilty of an offence.’

Reason for Decision:

To provide clarity on the condition.

**Annex I**

- 1.7 Add the following to the list:

‘L. Waste generated arising from remediation of deleterious materials e.g. pyrite remediation, or defective concrete block remediation etc.’

Reason for Decision:

In the interest of providing clarity.

- 3.2a

Amend the first paragraph as follows:

‘Recycled aggregates which fall within the scope of *Construction Product Regulation* (CPR) and are defined as construction products shall comply with:

- i a relevant harmonised aggregate product standard(s) applicable to the materials specified use;
- ii applicable industry specification(s) as available and as applicable for the materials specified use; and
- iii Any additional customer specifications;’

Reason for Decision:

In the interest of providing clarity.

- 3.3 Amend the second bullet point as follows:  
‘The recycled aggregate shall, as required, comply with the relevant provisions of the:
- i. Classification, Labelling and Packaging (CLP) Regulation;
  - ii. ~~CPR Construction Product Regulation (CPR);~~
  - iii. Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) Regulation;
  - iv. Building Regulations;
  - v. Persistent Organic Pollutants (POPs) Regulation;
  - vi. General Product Safety Regulations ; and
  - vii. Or any other relevant legislation requirements as applicable or as identified by the Agency.’

Reason for Decision:

In the interest of providing clarity.

**Annex II - Specific use & restrictions on use**

1.1 Amend as follows:

- ‘i. unbound uses:
- (a) road construction, excluding any form of structure or fill to structures;
  - (b) railway ballast;
  - (c) other linear feature construction or maintenance less than 50m in width;
  - (d) temporary or permanent areas of hardstandings or groundcover;
  - (e) general fill in uses such as void filling, raising ground levels, berm construction;
  - (f) piling mats;
  - (g) pipe-bedding, haunching or surrounding materials);
  - (h) any other *similar* uses as agreed by the Agency.’
- ii. bound uses:
- (a) non-structural concrete;
  - (b) bituminous mixtures;
  - (c) large interlocking non-structural concrete blocks for use as division of storage bays and barriers;
  - (d) ~~any other uses as agreed by the Agency.~~’

Reason for Decision:

In the interest of providing clarity on the unbound and bound uses.

Following discussion, the Directors approved the recommended end of waste criteria for recycled aggregates, as set out in the recommended criteria, subject to minor amendments.