

# A Resource Opportunity

## Waste Management Policy in Ireland

Department of the Environment,  
Community and Local Government

July 2012

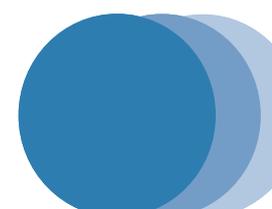


Comhshaol, Pobal agus Rialtas Áitiúil  
Environment, Community and Local Government



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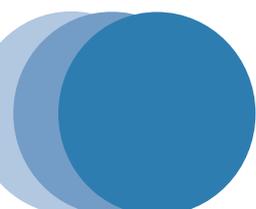
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## MINISTER'S FOREWORD

I am pleased to present the Government's new waste management policy A Resource Opportunity – Waste Management Policy in Ireland. This policy provides a roadmap on how Ireland will move away from an over dependence on landfill, by putting in place the most appropriate technologies and approaches to reduce waste, while at the same time maximising the resources that we can recover from waste.



The policy is predicated on the EU waste hierarchy and encompasses a range of measures across all 5 tiers namely, prevention and minimisation, reuse, recycling, recovery and disposal. It sets out how the higher tiers can reduce our reliance on finite resources, virtually eliminate our reliance on landfill and minimise the impact on our environment. The policy recognises the importance of waste as an energy resource opportunity in terms of recovery, and the need to develop efficient ways to harness that resource. The introduction of household food waste regulations in driving the rollout of the “brown bin” will for example assist in the diversion of food waste towards more productive uses, such as the production of compost and the generation of electricity through anaerobic digestion.

The performance of the household waste collection market in particular will be crucial in achieving our overall policy objectives and meeting our targets on landfill diversion. Household waste collection will be organised under an improved regulatory regime to address a number of problematic issues, including low rates of household participation and insufficient incentives for households to segregate waste. Waste collection companies will have to adhere to improved standards of service, incentivise households to segregate waste and be much more transparent about their charging structures, while at the same time there will be an onus placed on households to show how they manage their waste in an environmentally acceptable manner. Waste collection firms will be obliged to have enhanced customer service provisions and they will be held to account for failures under the new permitting regime. This new approach will give families more control over the management of their waste costs.

The policy encompasses measures covering the full spectrum of waste management planning, compliance and enforcement. There will be rationalisation of waste management regions to ensure better planning, which in turn will free up resources for other priority areas. A vigorous approach will be adopted in bringing to justice those who abandon their waste in our countryside and engage in illegal activity, through the establishment of a team of waste enforcement officers. There will be a focus on reducing administrative burdens on waste management firms, while maintaining an appropriate balance with the need for effective oversight and reporting. The policy also provides the certainty that industry requires to plan and make investment decisions, thus helping to protect jobs and ensuring that we have a sustainable approach to the management of our waste in the years ahead.

This policy statement is not just important in achieving sound environmental objectives, but it is also a critical component in protecting and enhancing one of our vital assets, namely our 'green' image, which is essential for our tourism and food industries, and in attracting inward investment. This policy statement charts a path towards a more modern, innovative and sustainable approach to the management of our waste. I look forward to the full implementation of the policy measures contained in this statement and to the proactive engagement of all of the key stakeholders from individuals and households through to business and industry and the regulatory agencies to ensure its success.

A handwritten signature in blue ink that reads "Phil Hogan". The signature is written in a cursive style with a large initial 'P'.

**Phil Hogan T.D.,**

Minister for the Environment, Community and Local Government

## SUMMARY OF MEASURES

This policy document sets out the measures through which Ireland will make the further progress necessary to become a recycling society, with a clear focus on resource efficiency and the virtual elimination of landfilling of municipal waste. The measures set out below will require the commitment of a range of stakeholders in order to ensure their success and the National Waste Forum will provide an ongoing opportunity for contributions to the implementation of this policy.

### Planning for the Future

- The development of Waste Management Plans will remain a function of local authorities. A significant resource of expertise and experience has been developed within the local authority system which can, in conjunction with the support of the National Waste Management Planning Coordination Committee, deliver new waste management plans. A shared service approach to planning of waste management will be expected to yield more efficient outcomes under a new regional waste management planning configuration which will be decided by the local authorities.
- Local authorities undertaking their waste management planning responsibilities, guided by the programme of reform of local government structures which is currently underway, will significantly reduce the number of regional formations, (currently 10) to no more than 3. Arising from the preparation and implementation of the first round of waste management plans that divided the State into 10 waste management planning regions, local authorities clearly recognise the desirability of rationalising the number of waste planning regions. This will enable a greater concentration of resources, while still addressing geographical and other relevant differences. It recognises the nature of the Irish waste market and the movement of waste across existing boundaries to avail of waste management infrastructure. Local authorities will be expected to redeploy resources freed up from a more efficient waste management planning regime to essential work on the implementation and enforcement of the new regional plans.
- The evaluation of all existing waste management plans to ensure compliance with the requirements of the Waste Framework Directive will be completed by 31 December 2012. The plans will remain applicable until new plans have been put in place by the start of 2014.
- New plans will be required to reflect national policy and set out how such policy will be implemented in the region during the period of the plan.
- In keeping with the proximity and self-sufficiency principles, a key objective of waste management plans will be to ensure a sufficiency of waste management infrastructure within the State to manage municipal waste.
- The Department of the Environment, Community and Local Government and the Environmental Protection Agency will monitor how compliance with the waste management hierarchy is being achieved through implementation of the new regional waste management plans.

## The Regulation of Household Waste Collection

### *Waste Collection*

- Through collection permits issued under a strengthened permitting system, waste collectors will be required to:
  - Manage the waste collected in accordance with the waste hierarchy and in a manner supportive of the development of a resource efficient and sustainable approach to the management of waste;
  - Deliver mandated service levels; and
  - Operate pricing structures designed to incentivise environmentally sustainable behaviours by households in terms of waste reduction and segregation.
- The collection permitting system will be strengthened further so that:
  - Robust controls are in place to ensure that only “fit and proper” individuals and companies are allowed to hold such permits and appropriate corporate governance arrangements are implemented;
  - Producer Responsibility Initiative waste is always provided to the obligated compliance scheme or waste collector and is recovered and recycled appropriately by, the relevant sectors at all times; and
  - The permit fee structures reflect the value of the permission to collect waste conferred by a permit, the need to contribute to the costs of essential enforcement of the permitting system and the potential liabilities for the State which may arise from poor collection and management practices.
- All household waste collection service providers will be required to put in place Customer Charters, clearly setting out information for customers in relation to issues such as charging structures, procedures for dealing with customers who may fall into arrears, and arrangements for switching from one waste collector to another. These will be audited annually as part of the permitting process.
- Measures will be introduced through the strengthened collection permit system to manage better the nuisance, emissions and health and safety risks of overlapping household waste collection networks.
- Inspection and enforcement resourcing for collection permits will be increased, funded in part by the revised permitting fee structure.

### *Households*

- All householders will be obliged to demonstrate that they are availing of an authorised waste collection service or are otherwise managing their waste in an environmentally acceptable manner, in accordance with legislation and the provisions of waste management plans, in order to combat illegal fly-tipping, littering and backyard burning of waste by a minority of households, and to avoid the compliant majority having to bear the costs of dealing with the consequences of such activities.
- To support households, awareness and education measures will be strengthened; the waste collection industry will be encouraged to play a role in such measures.

- Taking account of the Government's decision in relation to the household waste collection market structure, the relevant Programme for Government commitment and the requirements of the Waste Framework Directive, including the polluter pays principle, it is intended to introduce a household waste collection waiver scheme and other alternative support schemes for low income households. An inter-departmental working group will be established comprised of representatives of the Departments of the Environment, Community and Local Government; Social Protection; Public Expenditure and Reform; Finance; and the Tánaiste's Office; the working group will report to Government by October with recommendations on measures to minimise the impact of waste charges on low income households.
- The Producer Responsibility Initiative model will be implemented in a manner that ensures that households are encouraged and facilitated to re-use and recycle waste from the specific waste streams involved.

### ***Operation of the Market***

- The Competition Authority is being requested by the Government to maintain an ongoing oversight of household waste collection markets as the retention of the current market structure, combined with a strengthened regulatory regime, will need to be subject to close monitoring.
- The next formal review of the household waste collection market, including a report by the Competition Authority, will be carried out in 2016, as part of the proposed overall mid-term review of the implementation of this policy statement, unless circumstances of a failure to meet obligations under the 2013 Landfill Directive, or the emergence of other more immediate serious market or regulatory failures, require an earlier intervention. The performance of the household waste collection industry in contributing to the achievement of the policy statement's objectives will be a central element of the review.

### ***Compliance and Enforcement***

- The contribution of industry and business to meeting their obligations as producers will be examined as part of the Review of Producer Responsibility Initiatives currently being carried out.
- It is clear that some producer responsibility schemes have delivered excellent results, but it is now time to ensure that all such schemes are properly structured to deliver efficiently and effectively for their members and the State in changed economic circumstances; this will be taken forward under the overall review of producer responsibility schemes which has been commenced in parallel with the preparation of this policy statement. It is also necessary to examine how other industries, not currently the subject of such schemes, are delivering environmental performance. Producer Responsibility Initiatives taken to comply with obligations will be benchmarked against the environmental performance of the industry in question on an ongoing basis.
- The environmental regulatory regime governing the waste management sector will be kept under ongoing review, in order to ensure that any unnecessary

administrative burden is identified and reduced, while maintaining an appropriate balance with the need for effective oversight and reporting.

- A focused Working Group drawn from the relevant regulatory and other bodies will be tasked with examining opportunities for greater use of shared and online services, with a view to reporting by December 2012.
- All householders will be required to either avail of properly authorised waste collection services, or be in a position to demonstrate that they are managing their waste in an environmentally appropriate manner, such as through the use of civic amenity sites. Appropriate penalties, including the application of fines, will be provided for in regulations. It is imperative that the majority of householders who comply with the law and manage their waste responsibly do not have to bear the cost of illegal dumping, backyard burning and littering by the non-compliant minority who simply abandon their waste, damaging the environment, adversely affecting our economy, particularly our tourism and agriculture industries, and driving up the costs for the taxpayer.
- A review of the respective waste regulation and enforcement roles of the Environmental Protection Agency (Office of Environmental Enforcement) and local authorities is being initiated and will be completed by the end of 2013. This will have a particular focus on dealing with serious criminal offenders and the need for more intelligence-led and coordinated multi-agency enforcement, aimed at ensuring targeted, timely and effective enforcement outcomes.
- The establishment of a team of waste enforcement officers for deployment in cases relating to serious criminal activity will be prioritised in consultation with An Garda Síochána.
- Decisions in relation to the application of the waste hierarchy in matters of licensing and enforcement will be the responsibility of the appropriate regulatory authorities on a case by case basis, and determinations in relation to such matters will take account of the Waste Framework Directive, EU Commission guidance on the implementation of the Directive, national policy and regional waste management plans.
- The storage and export of waste material will be strictly policed to ensure that:
  - No environmental damage arises from the storage of such materials prior to export;
  - Any exports taking place fully respect the requirements of the transfrontier shipment regulations, avoiding both the environmental and reputational damage which a breach of the regulations would cause; and
  - Exports are managed in an environmentally sound manner in the country of destination.
- The National Transfrontier Shipment Office, in determining if reasoned objections to shipments of waste should be made in accordance with Article 11 of the Waste Shipments Regulation for mixed municipal waste shipments or other waste stream shipments, will have regard to national policy and the Waste Framework Directive, which are focused on maximising the resource which can be extracted from waste

material and the development of a sustainable and self-sufficient approach to the management of our waste in accordance with the proximity principle.

- Enforcement action will be taken to ensure that specific waste streams dealt with under the Producer Responsibility Initiative model are managed in a manner that ensures that Ireland's obligations are delivered.
- In consultation with enforcement authorities, a review of the range, level and application of penalties for breaches of waste management legislation is now being initiated; this will be completed by December 2013.

## **Prevention**

- The Environmental Protection Agency, as part of its review and renewal of the National Waste Prevention Programme by the end of 2012, will be requested to focus on resource efficiency, prevention and reuse and the development of coordinated approaches with other State agencies. Local authorities will be required to prioritise waste prevention both in the development of new regional waste management plans and in the implementation of measures with local business and community groups, such as the promotion of smart shopping and purchasing to eliminate waste generation and unnecessary costs. All local authorities, whether acting alone or in groupings, will be expected to participate in the Local Authority Waste Prevention Demonstration Programme, which provides the skills to develop waste prevention within local communities. Examples of this can be seen in the work to date which has included the development of waste prevention guides for farmers, publicans and leisure centres.
- Ireland will work at a European level to secure EU-wide engagement with large scale international producers in relation to product design. Well designed products and packaging can provide an extended operational life, while also reducing the impact on the consumer and the environment through the elimination of excess materials which place additional burdens on the environment, through, for example, the use of additional fuel to transport heavier goods, and on the consumer, who has to manage and pay for additional waste.
- All current and future producer responsibility schemes will be required, as part of the conditions of their approval, to formulate, implement and demonstrate significant waste prevention and re-use initiatives for their particular waste streams.
- The rate of the Plastic Bag Levy will be kept under review to ensure the dissuasive effect of the levy as an economic instrument is maintained.
- The use of economic instruments in a progressive manner to drive resource efficiency is being considered in the context of the review of producer responsibility, having regard to the environmental performance of producers. The existence and application of economic instruments will be further examined as part of the monitoring of the implementation of the Waste Framework Directive to support the management of waste in accordance with the waste hierarchy.

## Reuse

- The areas of reuse and opportunities for preparation for reuse will be encouraged and promoted through the renewed National Waste Prevention Programme, the environmental awareness work of local authorities, the Producer Responsibility Initiative compliance schemes and the enterprise support agencies. This will build on existing examples of reuse websites such as SMILE and Freetrade Ireland, which facilitate the reuse of unwanted goods between businesses and between members of the public.
- The Producer Responsibility Initiative review will examine the issue of a Reuse Policy for Electrical and Electronic Equipment and other Producer Responsibility Initiative sectors and will make recommendations which will inform short-term policy development to support further progress in this area.
- A Public Sector Reuse Policy will be developed in consultation with the National Procurement Service and other relevant bodies, to ensure that public sector organisations give full consideration to feasible reuse options before embarking on the purchase of new goods. This reflects the very clear leadership role of the public sector in the development of a sustainable economy, as highlighted in Our Sustainable Future – A Framework for Sustainable Development in Ireland and the Green Tenders Action Plan on Green Public Procurement.

## Recycling

- Household Food Waste Regulations will be introduced to require separate collection of such material, supporting its diversion from landfill to more productive uses. A comprehensive Regulatory Impact Analysis in relation to Household Food Waste Regulations has been prepared and will be published with the associated regulations in September 2012.
- Separate collection of organics will be a required waste permit condition for those collecting from households within population centres of a given size and will be introduced on a phased basis over a 4 year period, beginning with larger population centres.
- The Regulatory Impact Analysis on draft Household Food Waste Collection Regulations confirms the value of separate “brown bin” collections. A formal waste collection permit requirement to roll out the brown bins is now necessary as the initiatives pursued to date have not proven sufficiently successful.
- Households will be required to participate in a separate collection of organics when availing of a collection service, or demonstrate the appropriate management of such material, (e.g. home composting). This has the potential to support the creation of jobs and add value in alternative treatment for this material.
- The introduction of mandatory service standards for household waste collection will progressively increase the degree of segregation of household waste. Initially, mandatory service standards will provide for a minimal national standard of segregated collections of residual waste and dry recyclates, with separate organics collections made available on a phased basis. Mandatory service standards will also

address the frequency of collections, as appropriate. In time, the mandatory national service standards will be progressively increased, with a view to the achievement of the ultimate goal of virtually eliminating landfill.

- Strengthened enforcement of permit conditions relating to segregated collections will be initiated, with appropriate financial penalties being specified for breaches of such conditions, and possible withdrawal of permits in cases of serious breaches.
- The Review of Producer Responsibility Initiatives will examine the appropriate financial mechanisms to ensure compliance by producers with their obligations. Those sectors which are generating significant waste, and which do not have successful voluntary initiatives in place, will be considered for specific regulation as part of the review. In particular, specific producer responsibility requirements for construction and demolition projects over a certain threshold will be considered.
- The promotion of awareness of the benefits of recycling must be a shared responsibility and actors in the producer responsibility sector will be expected to demonstrate significant commitment to awareness-raising as will local authorities, waste collection companies and the wider public sector and business community. The Producer Responsibility Initiatives review will consider the most efficient and effective manner to progress this issue in relation to waste streams covered by that model.
- The Government will continue to support the use of recycled material through the Green Public Procurement Action Plan, Green Tenders, and relevant Departments and Agencies will cooperate to encourage the development of indigenous processing opportunities.

## Recovery

- The reform of the waste collection permitting system will provide the opportunity for the application of such conditions as are necessary to give effect to the waste hierarchy, reflecting the legal status of the hierarchy and the range of recovery options emerging, to promote self sufficiency and to drive a move away from disposal and towards recovery.
- Conditions imposed on each waste collection permit to prohibit waste which has been source segregated by the waste producer for the purposes of recycling, from being sent for recovery or for disposal, will be rigorously enforced.
- The careful design and use of incentives and economic instruments will be a key focus for ensuring that waste is not drawn down the waste hierarchy.
- The development of appropriate treatment requirements and quality standards for the production of fuels from waste will be examined in order to assist in the acceptance and marketability of such fuels.
- Measures to encourage the attainment of more ambitious EU recovery targets in specific waste streams will be finalised in light of the findings of the Review of Producer Responsibility Initiatives.
- Government will ensure that the relevant Departments and agencies pursue a co-ordinated approach in support of the development of recovery infrastructure.
- Ireland requires an adequate network of quality waste treatment facilities. A review

of recovery infrastructure will be completed by 31 December 2012 and the Environmental Protection Agency will advise on requirements in this regard. In particular, this will examine capacity for managing municipal waste in conformity with the principles of proximity and self-sufficiency.

## Disposal

- The timing and nature of the application of landfill bans will be considered in light of the level of diversion being achieved and the development of viable beneficial uses for waste in support of the virtual elimination of our dependence on landfill. This will also provide the benchmark for monitoring and decisions in respect of other policy options such as continued exemptions for specified material from the landfill levy.
- The exemption from the landfill levy for shredder residue is being removed in order to support the achievement of end-of-life vehicles recycling and recovery targets.
- Exemptions from the landfill levy for other material will be reviewed as part of the mid-term review of policy implementation planned for 2016, with particular regard to the performance in each waste stream, or at an earlier date in the event of abuse of exemptions arising.
- Following the mid-2012 and mid-2013 increases in the landfill levy to €65 and €75 per tonne, respectively, the rate of charge of the levy will be kept under review by reference to diversion rates and the Consumer Price Index to ensure the dissuasive effect of the levy as an economic instrument is maintained.
- Appropriate legislative support for the enforcement work of the Environmental Protection Agency will be strengthened, if necessary, following consideration of the ongoing work of the Agency in relation to landfill gate fees and financial guarantees for licensed facilities.
- Options in relation to the beneficial use of closed landfill facilities will be considered in light of the outcome of projects under the Environmental Protection Agency Research programme, Science, Technology, Research and Innovation for the Environment (STRIVE), and other research.

## SECTION 1 – INTRODUCTION

Ireland's people are very proud of their environment. The recently launched Framework for Sustainable Development in Ireland – Our Sustainable Future<sup>1</sup> – explains that, “over the centuries, our natural environment and landscape has provided sustenance to our people, influenced our culture and shaped our identity in a profound way. This ongoing interaction between human activity and the natural environment has evolved in tandem with economic and technological advancement, often with a substantial cost in terms of the human ecological footprint.” It is clear that our environment is one of the country's most valuable assets and has the capacity to contribute significantly to our economic revival. Therefore, we must be very conscious of the need to manage effectively all activities which impact on this vital asset. One activity which requires very careful organisation and regulation is the minimisation and sound environmental management of the waste generated through our daily lives.

While challenges remain in certain areas, including fly-tipping and litter, we are fortunate to be facing the challenge of how future waste is managed with the benefit of a significant strengthening, over the last 15 years, of public commitment to the key principles of prevention, reduction, reuse and recycling. We are also aided in meeting the challenge by the growing interest in resource efficiency, especially from businesses trying to reduce their costs and enhance their corporate social responsibility credentials, and developments in technology, supported by the vast range of actions nationally, at EU level and internationally to promote the ‘green economy’. Collectively, these provide a sharp focus on:

- The better design of products to minimise waste;
- The reprocessing of discarded materials to minimise costs and maximise economic benefits; and
- The recovery of energy in an efficient manner during the process of treating residual waste.

Given that Ireland is now taking the opportunity to refocus its approach to waste management and to exploit fully the potential of waste as a resource, the key question is: how best to achieve this? A number of guiding principles apply:

- Firstly, we must place prevention and minimisation at the forefront of waste policy by ensuring that we minimise the generation of waste through better design, through smart green purchasing and through a keener awareness of locally produced goods which boost jobs and the economy and can reduce impacts associated with transportation;

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<sup>1</sup> Department of Environment, Community & Local Government, Our Sustainable Future – A Framework for Sustainable Development for Ireland, June 2012. Available for download at: <http://www.environ.ie/en/Publications/Environment/Miscellaneous/FileDownload,30452,en.pdf>

- Secondly, when waste is generated we must extract the maximum value from it by ensuring that it is reused, recycled or recovered, including by the appropriate treatment of mixed municipal waste or residual waste collected in our black bins; and
- Thirdly, disposal of municipal waste to landfill must be a last resort – in fact, we must now work to effectively eliminate our use of landfill for this purpose within the next decade, in line with the 2011 EU Roadmap to a Resource Efficient Europe<sup>2</sup>.

This policy statement sets out the Government’s agreed approach to the management of waste in Ireland in the years ahead. It is informed not just by Government thinking, but also reflects the outcome of a consultation process which has seen careful consideration given to views received from a wide range of citizens and stakeholders, and which has shown a significant degree of cross-society consensus on the need for Ireland to set an ambitious agenda for the management of its waste in a sustainable and resource efficient manner.

The principles, goals and objectives articulated in this policy statement are designed to chart an ambitious path forward. A comprehensive suite of associated targets is set out on pages 49–52, achievement of which will be dependent on the successful implementation of the wide range of supporting measures outlined. Progress towards the achievement of targets will be reported on by the Environmental Protection Agency in its annual National Waste Reports.

While this policy statement covers the period to 2020, it will be subject to a mid-term review in 2016 to ensure that the measures set out are delivering for Ireland and its citizens and to provide an opportunity for additional measures to be adopted in the event of inadequate performance being identified in any aspects of implementation.

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<sup>2</sup> [http://ec.europa.eu/environment/resource\\_efficiency/pdf/com2011\\_571.pdf](http://ec.europa.eu/environment/resource_efficiency/pdf/com2011_571.pdf)

## SECTION 2 – CONTEXT

### 2.1 Developments at European Level

#### 2.1.1 A Strong Legislative Framework

Ireland's waste policy is influenced by a range of EU Directives<sup>3</sup>. The Waste Framework Directive sets out the management regime applicable to waste in the territory of the Community and is enshrined in Irish law by the Waste Management Act 1996 and the European Communities (Waste Directive) Regulations 2011<sup>4</sup>. The Directive imposes on Member States a number of obligations regarding waste management, including the following:

- The application of the waste hierarchy to apply as a priority order in waste prevention and waste management legislation and policy.
- To ensure that waste is recovered (including separate collection to facilitate recovery where technically, environmentally and economically practicable) or, where it is not recovered, to ensure that waste is disposed of without causing risks to human health and the environment.
- To prohibit the abandonment or uncontrolled disposal of waste.
- To establish an integrated and adequate network of waste disposal installations and of installations for the recovery of mixed municipal waste – aiming for EU self-sufficiency and for Member States individually to move towards self-sufficiency.
- To take necessary measures to ensure that any holder of waste has that waste handled by a private or public waste collector or recovers or disposes of it himself/herself in an environmentally sound manner and in accordance with the waste hierarchy.
- To have a system of permits and registration for all those involved in collecting, disposing of, preparing for the recovery of, or recovering waste.
- To ensure that all those involved keep a record of all the details of their operations (the quantity, nature and origin of the waste) and are subject to periodic inspections and special controls to ensure the safe management of hazardous waste.
- To ensure that the costs of waste management are borne by the original waste producer or by the current or previous waste holders, in accordance with the polluter pays principle.

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<sup>3</sup> Packaging Directive (94/62/EC); Waste Electrical and Electronic Equipment (WEEE) Directive (2002/96/EC); Restriction of Hazardous Substances in WEEE Directive (2002/95/EC); End of Life Vehicles (ELV) Directive (2000/53/EC); Batteries Directive (2006/66/EC); Landfill Directive (1999/31/EC) and Waste Framework Directive (2008/98/EC).

<sup>4</sup> S.I. No 126 of 2011.

This Directive and a number of other Directives set out a range of policy principles, mandatory targets and regulatory frameworks which Member States must transpose into national law. The targets apply across the spectrum of waste streams and Ireland's performance to date in meeting these obligations is set out in the table on pages 49–52. Until recently, assessment of a Member State's performance was based on their achieving these targets within particular timelines. Following transposition of the revised Waste Framework Directive, assessment will be made from a much broader perspective, including prevention measures and application of the waste hierarchy.

### **2.1.2 The Waste Hierarchy**

This policy statement clearly expresses Ireland's commitment to implement the waste hierarchy set out in the Waste Framework Directive by aiming for more prevention, reuse and recycling and so that we reduce the impact of waste on the environment. Article 4 of the Waste Framework Directive sets out the priority order, or essentially the preferred order, by which waste should be managed. At the pinnacle of the hierarchy comes **prevention**. Obviously it is far preferable to avoid creating waste in the first place and prevention encompasses many measures such as eliminating superfluous packaging, reuse of products and smart purchasing, i.e. buying the right amount of goods such as food, so that none goes to waste.

The next preferable approach is preparing for **reuse**, products for which an owner has no further use, but which could be prepared for reuse by a new owner. This includes for example, the repair of discarded items, such as computers and furniture, to facilitate their reuse by others.

Third in the priority order is **recycling**, which involves reprocessing of waste materials into products in order to displace the use of virgin materials. A simple example is the recycling of aluminium cans so that they can be used to produce aluminium products including new cans.

Fourth in the priority order is **other recovery**, which relates to the use of other materials in order to replace materials that would otherwise have been used to serve a particular function including recovery of energy, such as through the generation of electricity by waste to energy and anaerobic digestion plants.

At the bottom of the hierarchy is disposal, which in Ireland generally involves waste being sent to landfill. Landfilling amounts to resources being buried and wasted without a possibility of recovery, with risks such as emissions from methane generated from decomposing biodegradable waste, leachate and groundwater contamination, having to be closely monitored and managed. This is an unsustainable way of managing our waste and a key theme of this policy statement is to move from an over-reliance on disposal to the virtual elimination of landfill as a municipal waste management option, in favour of more sustainable waste management approaches in the higher tiers of the hierarchy.

### 2.1.3 Updated Policy Frameworks

The EU waste policy regime and the context for the development of new Irish waste policy is not solely driven by the suite of EU Waste Directives. There are also a number of Roadmaps and Action Programmes that need to be taken into account in policymaking for the future. The Europe 2020 Strategy, which aims to ensure smart, sustainable and inclusive growth, puts forward seven flagship initiatives to set the EU on the path to this transformation, including the “Resource Efficient Europe” initiative.

- The Resource Efficiency Roadmap<sup>5</sup> sets out the links between the EU’s reliance on fossil fuels and the need to improve the Union’s use of residual resources such as municipal waste. The primary goals of the Roadmap are to decouple economic growth from resource use, define the associated medium and long-term objectives and identify the means to achieve those objectives. In particular, the Roadmap envisages that by 2020, waste will be managed as a resource with landfill being virtually eliminated, high quality recycling will be ensured and energy recovery will be limited to non-recyclable materials. The Roadmap will be a significant influencing force on future EU waste policy development and, consequently, needs to be taken into account now as we shape Irish waste policy for the next decade.
- The Raw Materials Strategy<sup>6</sup>, which aims to tackle the challenges in commodity markets for raw materials, is also closely linked to the Resource Efficiency Flagship Initiative. A particular focus of this strategy is the need for the EU to conserve and recover ‘critical raw materials’ – raw materials are labelled “critical” when the risks of supply shortage and their impacts on the economy are higher compared with other raw materials. Many of these critical raw materials are the platinum and rare earth group of metals used in hi-tech electronic equipment, batteries and renewable energy technologies.
- In the period since 1973, EU Environmental Action Programmes have provided strategic environment policy focus and direction and the actions identified have served to significantly advance the environmental and sustainable development agendas in the European Union. They have been pivotal to the establishment of a comprehensive regulatory framework which has transformed the way we deal with waste management and various forms of pollution. With the expiration of the 6th Environment Action Programme, a proposal for a new 7th Environment Action Programme is expected to be published by the European Commission in late 2012, and will aim to improve the coherence and implementation of the Union’s environmental policies, legislation and roadmaps. A greater emphasis on the interconnectedness of environmental policies would mean, for example, that more attention will be paid to the climate change impacts of waste production, treatment and disposal. The 7th Programme is also likely to seek to support further rapid progress towards integration of environmental considerations into wider economic and social policies.

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<sup>5</sup> COM (2011) 21.

<sup>6</sup> COM (2011) 25.

### **2.1.4 Implementation**

Reflecting a further likely focus of the 7th Programme on achieving the full implementation of the broad corpus of EU environmental legislation, the European Commission has indicated it intends to take a more proactive attitude to the implementation of the Waste Directives. The recent Communication from the Commission on the Implementation of Environmental Legislation<sup>7</sup> highlighted the need to improve the level of knowledge that is made available regarding performance on the implementation of EU legislation, as well as the responsiveness to such legislation at the national, regional and local levels. This will impact significantly on future waste policy as the assessment of Ireland's performance will not solely be based on meeting targets or the transposition of legislation by a certain date. Instead, the Commission will be moving to put in place measures that will provide for a systematic assessment of the degree to which Ireland has succeeded in achieving full implementation of the principles underpinning the Union's waste legislation, such as a focus on prevention, reuse, the polluter pays principle, the proximity principle, self-sufficiency and life-cycle thinking. The Commission's Implementation Communication has been taken into account in finalising this policy statement.

### **2.1.5 End of Waste**

The *Thematic Strategy on Preventing and Recycling Waste*<sup>8</sup> established the objective for the EU to become a recycling society, seeking to avoid waste and to use the waste that is generated as a resource. Article 6 of Waste Directive 2008/98/EC on "end-of-waste status" has established waste-stream-based environmental criteria to determine when discarded material ceases to be classified as waste, by creating a legal framework to govern "end-of-waste status" for specific waste types. This framework is designed to improve the environmental performance of recycled products, by encouraging businesses to produce recycled products that conform to these environmental criteria, and reduce unnecessary burdens for low-risk recycling activities. The existing Regulation<sup>9</sup> on end-of-waste scrap metal is expected to set the template for "end-of-waste" requirements to be satisfied for other waste streams. These high environmental reference standards will provide an essential support for the internal market in terms of facilitating recycling and recovery activities.

The new Waste Framework Directive further underpins the drive towards seeing waste as a resource by clarifying the concepts of by-products in addition to end of waste criteria, thus providing a high level of environmental protection and economic benefit.

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<sup>7</sup> COM (2012) 95.

<sup>8</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2005:0666:FIN:EN:PDF>

<sup>9</sup> EU) No. 333/2011.

## 2.2 Developments at National Level

### 2.2.1 A Modern Domestic Policy and Legislative Framework

When the first modern waste policy document, *Changing our Ways*, was published in 1998 we were almost exclusively reliant on a network of small landfills for dealing with our waste and had just introduced, through the Waste Management Act 1996, a modern regulatory regime to govern waste management activities. The policy document set out what was then an ambitious policy agenda for modernising our approach to waste management over a 15 year period, under which a suite of modern waste infrastructure alternatives would be developed so that we could significantly reduce our reliance on landfill, and to the extent that landfill was used it would be based on a much smaller network of modern, well regulated facilities. The policy context developed further over the intervening period of time, with the publication of *Preventing and Recycling Waste: Delivering Change* in 2002 and a National Biodegradable Waste Management Strategy in 2006.

## 2.3 Further Significant Recent Developments

### 2.3.1 Green Public Procurement

A National Green Public Procurement policy is now in place, with the publication of the Government's Action Plan on Green Public Procurement, *Green Tenders*, in January 2012. This Action Plan is intended to be an important contributor to greening the economy, and improving the environmental sustainability of future economic growth. Public procurement is a significant element of any economy – the annual public sector procurement budget accounts for some 12% of Ireland's Gross Domestic Product – and impacts greatly on production and consumption trends. The Action Plan on Green Public Procurement will assist in generating increased demand for more resource-efficient and environmentally-friendly products and services, thereby supporting the resource management approach to waste that is the cornerstone of this policy statement.

### 2.3.2 National Waste Prevention Programme

Ireland is ahead of the requirements of the Waste Framework Directive in the area of waste prevention in that the National Waste Prevention Programme has been in existence since 2004 (the target for Member States is to establish a waste prevention programme by December 2013). The National Waste Prevention Programme has just published its Seventh Annual Report, in respect of the year 2011, and it is clear that considerable progress is being made in certain areas. For example, as evident in the following Table, the Green Hospitality Award gives a 12 to 1 return on investment, while in the case of the Green Business initiative and the Green Healthcare Project, the return is 11 to 1. The current National Waste Prevention Programme is due to be reviewed by the end of 2012, providing an opportunity for full account to be taken of the objectives of the revised Waste Framework Directive in the next iteration of the Programme.

**National Waste Prevention Programme Report for 2011**  
**Summary data for a selection of NWPP focussed**  
**Resource Efficiency programmes**

<b>Programme</b>	<b>NWPP Investment (c. 2011)</b>	<b>Resource Efficiency</b>	<b>Actual and Potential Savings Identified (last 12 months)</b>	<b>Return on Investment (rounded)</b>
Green Hospitality Award	€0.452M	6,400 t waste prevented 38,748,000 kWh energy saved 352,000,000 litres water saved 221 members 125 properties certified	€5.58M	12:1
Green Business Initiative	€0.374M	Water, energy & waste savings 479 active members 45 Resource Efficiency Assessments Typical savings of €40,000 per annum per company assessed	c.€4M	11:1
€co-Cert	€0.03M	50 members 31 certificates Average >€5,000 savings per certified member	€0.16M	5:1
Green Healthcare Project	€0.150M	2,700 t waste could be prevented €80,000 potential savings in water use in three hospitals	€1.6M	11:1
SMILE	€0.106M	658 waste 'matches' made 6,800 t waste potentially diverted Numerous services & logistics traded	€0.812M	8:1
Green Retail	€0.05M	265 cost saving actions in energy, water & waste for 10 participant stores	€0.142M	3:1
Green Home	€0.125M	11,000 participant households >40,000 visits to greenhome.ie website Est. €320 potential saving per high performing household	€0.8M	6:1

### **2.3.3 Landfill Operating Guidelines**

The Environmental Protection Agency's amendment of their landfill operating guidelines in 2010, building on the improved knowledge on waste production generated through the Agency's 2008 Characterisation Survey, has had a major impact on the level and composition of waste sent to landfill. These guidelines are designed to introduce specific controls so as to ensure that only waste which has been subjected to treatment would be landfilled<sup>10</sup> and that the numerical limits for the quantity of biodegradable municipal waste<sup>11</sup> which may be landfilled are not exceeded.

### **2.3.4 Landfill Levy**

The urgent priority attaching to the diversion of waste from landfill was evident in the announcement in April 2011 of an escalator of increases in the landfill levy in the period from 1 September 2011 to 1 July 2013<sup>12</sup>. The Environmental Protection Agency has predicted a strong correlation between increases in the levy and reductions in the amount of waste disposed of at landfills<sup>13</sup>. By announcing the levy escalator, the Government has provided a clear signal to the market on waste disposal policy and allowed waste firms the opportunity to prepare for the forthcoming increases in the cost of disposal by investing in alternative waste recycling and recovery infrastructure and diverting material to those facilities, giving further practical effect to the new legal obligations associated with the waste hierarchy.

### **2.3.5 Food Waste**

Commercial food waste regulations entered into force in July 2010<sup>14</sup>. These regulations require relevant businesses and public buildings to separately collect all organic food waste for it to be recovered. The regulations have been generally well received and are reported to be resulting in significant increases in commercial food waste diverted from landfill. A consultation has taken place, and a Regulatory Impact Analysis prepared in respect of a similar approach to the management of household food waste. The Environmental Protection Agency estimates that there are approximately 320,000 tonnes per annum of organic waste (22.7% of total household waste arisings) available for diversion from household bin collections.

### **2.3.6 Institutional Changes**

The control of hazardous waste shipments is now fully consolidated under the National Transfrontier Shipment Office. Exports of waste from the State have been centrally controlled by the National Transfrontier Shipment Office since 1 July 2007 and a new electronic tracking system introduced on 1 January 2012 ensures that all hazardous waste

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<sup>10</sup> In accordance with Article 6 of Landfill Directive 1999/31/EC.

<sup>11</sup> Established in Article 5 of Landfill Directive 1999/31/EC.

<sup>12</sup> On September 1st 2011, the levy increased from €30 to €50. The levy increased to €65 on July 1st 2012 and will increase to €75 on July 1st 2013.

<sup>13</sup> National Waste Report 2010 p. 35.

<sup>14</sup> S.I. 508 of 2009

movements within the State are also brought under the one national authority, thus further consolidating and strengthening controls on such waste movements, while also delivering administrative efficiencies.

In addition, responsibility for issuing all waste collection permits in the State has now also been centralised in a single National Waste Collection Permit Office. This office is operated by Offaly County Council, as a shared service on behalf of all local authorities and, since 1 February 2012, has been dealing with all new collection permit applications and reviews. The National Waste Collection Permit Office replaces the previous 10 nominated permitting offices in the waste management regions, leading to considerable efficiencies for local authorities, operators and other regulators, such as the Environmental Protection Agency. The single office arrangement is also of considerable assistance in supporting the achievement of a consistent national approach to the collection permitting process.

## 2.4 Producer Responsibility Initiatives

The *polluter pays* principle is a fundamental principle of environmental protection. It is based on the premise that waste generators should pay the full costs of waste management services including collection, treatment and disposal. Responsibility for the costs of waste management focuses attention on the implications of waste generation and provides a direct economic incentive for waste prevention. Application of the principle also ensures that the waste management costs arising during the life of a product are included in the price charged to consumers. Such costs can be minimised where materials and products are managed in an environmentally effective manner throughout their life cycle.

The Waste Management Act 1996 established a legislative basis for Producer Responsibility Initiatives in Ireland. The principal Producer Responsibility Initiatives which have since been introduced are in the areas of Waste Electrical and Electronic Equipment, batteries, packaging, end-of-life vehicles, tyres and farm plastics. The majority of these producer responsibility initiative schemes have operated very successfully and have enabled Ireland to reach our domestic and EU recycling targets. They have also successfully contributed to Ireland meeting our overall environmental goals and have diverted substantial amounts of waste from landfill.

There are, however, challenges in some areas, which need to be analysed and addressed; there are also more onerous EU targets ahead in most of the Producer Responsibility Initiative sectors. A review of the producer responsibility model has therefore been initiated to assess and evaluate the operation of the model in Ireland and to make recommendations for future policy in these areas<sup>15</sup>. A consultancy study being carried out as part of the review will examine and report on, in relation to the specific waste streams that are subject to Producer Responsibility Initiatives:

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<sup>15</sup> See <http://www.environ.ie/en/Environment/Waste/ProducerResponsibilityObligations/> for more information on the PRI review.

- The suitability and effectiveness of the current statutory and regulatory arrangements particularly when compared against best practice in other Member States.
- The effectiveness of the current competitive dynamic in each waste stream where Producer Responsibility Initiatives operate and how it can be maximised (i.e. existing schemes enhanced and/or additional schemes made subject to Producer Responsibility Initiative) to increase competition, lower costs for producers & lower the potential for free-riders, while also bearing in mind the potential increase in costs which might arise due to the increases in the number of compliance schemes.
- The costs of recycling for Irish producers, including both the actual costs of recycling and the administrative costs of the compliance scheme.
- The effectiveness of the current use of information and awareness within the Producer Responsibility Initiatives and recommendations for its enhancement.
- The suitability, availability and quality of Irish waste recycling infrastructure and services which are relevant to Producer Responsibility Initiatives, including the practical potential for the use of emerging technologies.

The review will be wide-ranging and will inform the policy context for the development of the producer responsibility initiative model in Ireland for the decade ahead in a manner which ensures that we continue to meet our prevention, reuse, recovery and recycling obligations in the waste streams concerned.

## 2.5 Performance

Since 1998, Ireland has shifted considerably from a waste disposal culture towards a recycling society. Changing Our Ways published in 1998 set out a number of ambitions for the following 15 years, including a municipal waste recycling target of 35%, which was achieved ahead of time, with a recycling rate of 38% recorded in 2010<sup>16</sup>. A further core objective was to rationalise and modernise our landfill infrastructure and, from a situation of 126 operational landfills in 1998<sup>17</sup>, this number had reduced to 28 by 2010, all fully licensed by the Environmental Protection Agency.

The Environmental Protection Agency has summarised the most recent data on our performance versus targets in the National Waste Report 2010<sup>18</sup>, details of which are reproduced in the table on pages 49–52. The vast majority of our targets set in EU Waste Directives have been met, and we have significantly exceeded requirements in a number of areas. However, a number of challenges remain, most notably in terms of diverting biodegradable material from landfill to more productive and useful purposes and in the recycling and recovery of end-of-life vehicles. Action has been taken to address targets which have not been achieved, or are categorised as “At Risk” by the Environmental Protection Agency; for example, while Ireland has missed its end-of-life vehicles targets, very significant progress has been made in regularising the status of the network of vehicle

<sup>16</sup> National Waste Report 2010.

<sup>17</sup> National Waste Report 1998.

<sup>18</sup> National Waste Report 2010.

treatment facilities and ceasing the operations of unauthorised vehicle dismantlers, as a result of which Ireland is in a far better position to meet future targets. In other areas, including in relation to the further significant diversion of biodegradable waste from landfill that has to be achieved, progress will be more challenging, and is crucially dependent on the development of a network of recycling and recovery infrastructure across a range of technologies to ensure competitive and effective provision.

## **2.6 The Role of State and Market**

The development of the waste market in Ireland has been atypical in comparison to other EU Member States, particularly in terms of how waste collection has become a service performed almost exclusively by private sector firms, to whom householders pay waste collection charges directly. Waste management infrastructure is, in the main, owned and operated by the private waste industry, with many facility owners also involved in the collection of household and/or commercial waste, with diminishing involvement in disposal infrastructure provision by local authorities.

The role of the State, in the form of the Environmental Protection Agency and the local authorities (either individually or in regional groupings), is largely in terms of waste management planning and environmental regulation. The waste management industry's role is largely that of the service provider; individual firms compete to deliver services to businesses and households in compliance with environmental law.

As with almost all regulatory regimes, this system has potential strengths and weaknesses. To ensure that the best environmental and economic outcomes are achieved, it is necessary that:

- The interests of the State, the waste management industry and wider society are aligned.
- Channels of communication are clear and direct. The State must appropriately signal its priorities and concerns to the waste management industry, in the form of clearly communicated policy measures.
- The State recognises the importance of supporting a sustainable, competitive and progressive waste management industry.
- The waste management industry recognises the State's fundamental role in regulating for effective environmental protection, the necessity of meeting the State's objectives and works in partnership with the State to meet its responsibilities.
- The enforcement and inspection regime is robust, well resourced, respected by all and penalties for non-compliance are sufficient to act as a deterrent.

To better foster communications between all relevant actors, a Waste Forum has been established involving representatives of the State, the waste management industry and relevant sectoral and wider interests in waste management. The Forum will meet at least twice per annum and will provide a vehicle to discuss and consider waste management matters including policy, practice and outcomes achieved.

## 2.7 Enforcement

As highlighted above, there will always be a need for a robust enforcement regime to ensure that the small minority who seek to avoid their responsibilities are dealt with in a manner which ensures the compliant majority are not burdened by their failures. In the past decade, Ireland has significantly changed the manner in which waste enforcement is delivered.

Notwithstanding this progress, work remains to be done to address a number of outstanding legacy issues which are being dealt with as part of a Programme of Measures agreed with the EU Commission to complete Ireland's response to a 2005 European Court of Justice judgement which found systematic failures in the waste management regulatory regime. The Programme will require further considerable investment by the State to deal with issues such as illegal landfill sites cited in the case, unauthorised end-of-life vehicle sites and the regularisation of the former Irish Steel site at Haulbowline, Co. Cork<sup>19</sup>.

### 2.7.1 The Office of Environmental Enforcement

The establishment of the Office of Environmental Enforcement in 2003 within the Environmental Protection Agency was a crucial element of the package of institutional reforms introduced over the last decade. The Office of Environmental Enforcement is dedicated to the implementation and enforcement of environmental legislation in Ireland and is directly responsible for enforcing Environmental Protection Agency licences issued to waste, industrial and other activities. It also supervises the environmental protection activities of local authorities, through auditing their performance, providing advice and guidance, and, in appropriate cases, giving binding directions. In this regard, the Office of Environmental Enforcement is a resource for members of the public who have exhausted all other avenues of complaint on environmental enforcement matters.

The Office of Environmental Enforcement works with local authorities and other public sector bodies involved through the *Network for Ireland's Environmental Compliance and Enforcement (NIECE)*. The function of NIECE is to harness the collective resources, expertise and investigative capacity of all the agencies engaged in dealing with environmental crime in Ireland. In particular, the Network:

- Promotes the exchange of information and experience and the development of greater consistency and coordination of approach in the implementation, application and enforcement of environmental legislation in Ireland.
- Provides a framework for policy makers, environmental inspectors and enforcement officers to exchange ideas, and encourage the development of enforcement structures and best practices.

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<sup>19</sup> Programme of Measures available at <http://www.environ.ie/en/Publications/Environment/Waste/FileDownload,30458,en.pdf>

### **2.7.2 Local Authorities**

Two Ministerial Policy directions have been issued under section 60 of the Waste Management Act 1996 in relation to unauthorised waste activities, under which all local authorities deal with illegal waste operators and undertake waste enforcement in a consistent fashion. All local authorities now also have waste enforcement policies. In addition, dedicated funding for 120 local authority waste enforcement staff and their investigative activities continues to be provided from the Environment Fund.

<b>2010 Enforcement by Local Authorities</b>	
Planned Routine Waste Inspections	34,711
Completed Routine Waste Inspections	42,249
Expected Non-routine Waste Inspections	7,300
Completed Non-routine Waste Inspections	14,050
Waste Enforcement Actions Initiated	10,581
Waste Enforcement Actions Closed	7,193
Waste Prosecution Actions Initiated	1,186
Waste Prosecutions Actions Closed	918

## SECTION 3 – PLANNING FOR THE FUTURE

### 3.1 Waste Projections

The most recent waste projections set out in the Environmental Protection Agency's National Waste Report 2010, which are based on the Economic and Social Research Institute's Sustainable Development Model for Ireland, anticipate that municipal waste arisings will increase by 825,000 tonnes (to 3.7m tonnes) within the next 15 years. The report also states: "While there may be sufficient management capacity in the immediate future, the predicted growth of municipal waste within the coming decade will necessitate investment in waste management infrastructure"<sup>20</sup>. In addition, the report notes, in this context, the importance of waste prevention measures and eco-design in order to assist in decoupling waste generation from future economic growth. These are some of the key issues and strategies that will inform the development of waste management planning policy for the next decade.

### 3.2 Waste Management Planning

Waste management planning has been a statutory function of the local authority system since 1996 and, as a result, significant expertise in this regard has been built up. Section 22 of the Waste Management Act 1996 gave local authorities the discretion to come together to discharge their waste management planning functions in groupings, on foot of which 10 regional plans were put in place, 3 of which apply to single county regions. An evaluation of the existing plans for compliance with the requirements of the new Waste Framework Directive, facilitated by the National Waste Management Planning Coordination Committee, will be completed by each region by the end of 2012. It is therefore an opportune time to review the approach to waste management planning and the local government system has been giving active consideration to the issue in recent times.

On foot of the outcome of the ongoing evaluation of the current waste management plans, and taking account of changes in the regional waste management planning configuration, new plans will need to be developed over the course of 2013. The importance of consultation with elected members in the development of these new plans is fully recognised and this will be highlighted in a new Departmental circular to local authorities.

### 3.3 Hazardous Waste Management Planning

Hazardous waste management planning is a function of the Environmental Protection Agency and the National Hazardous Waste Management Plan 2008–2012 was published by the Agency in September 2008 in accordance with section 26 of the Waste Management Act 1996.

The National Hazardous Waste Management Plan is a strategic level document designed to provide overall direction to policy and decision makers involved in the prevention and management of hazardous waste. All of the Plan's recommendations are designed to reduce

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<sup>20</sup> National Waste Report 2010 p.11.

the environmental impact of hazardous waste. Local authorities are obliged to take these recommendations into account when they review their own waste management plans.

The Agency will be evaluating the Plan during the course of 2012, with a view to a revised Plan being put in place for the period 2013–2018.

### **3.4 Policy Measures and Actions**

- **The development of Waste Management Plans will remain a function of local authorities. A significant resource of expertise and experience has been developed within the local authority system which can, in conjunction with the support of the National Waste Management Planning Coordination Committee, deliver new waste management plans. A shared service approach to planning of waste management will be expected to yield more efficient outcomes under a new regional waste management planning configuration which will be decided by the local authorities.**
- **Local authorities undertaking their waste management planning responsibilities, guided by the programme of reform of local government structures which is currently underway, will significantly reduce the number of regional formations, (currently 10) to no more than 3. Arising from the preparation and implementation of the first round of waste management plans that divided the State into 10 waste management planning regions, local authorities clearly recognise the desirability of rationalising the number of waste planning regions. This will enable a greater concentration of resources, while still addressing geographical and other relevant differences. It recognises the nature of the Irish waste market and the movement of waste across existing boundaries to avail of waste management infrastructure. Local authorities will be expected to redeploy resources freed up from a more efficient waste management planning regime to essential work on the implementation and enforcement of the new regional plans.**
- **The evaluation of all existing waste management plans to ensure compliance with the requirements of the Waste Framework Directive will be completed by 31 December 2012. The plans will remain applicable until new plans have been put in place by the start of 2014.**
- **New plans will be required to reflect national policy and set out how such policy will be implemented in the region during the period of the plan.**
- **In keeping with the proximity and self-sufficiency principles, a key objective of waste management plans will be to ensure a sufficiency of waste management infrastructure within the State to manage municipal waste.**
- **The Department of the Environment, Community and Local Government and the Environmental Protection Agency will monitor how compliance with the waste management hierarchy is being achieved through implementation of the new regional waste management plans.**

## SECTION 4 – THE REGULATION OF HOUSEHOLD WASTE COLLECTION

### 4.1 Background

In European terms, the evolution and structure of household waste collection markets in Ireland is somewhat unique, in that a system of side by side competition, primarily among private sector waste collection firms, has developed. This system has strengths and weaknesses from the perspectives of the State, the consumer and the waste management industry. The current market and regulatory structures have evolved over time and now require re-evaluation to take account of emerging performance requirements at national and EU level.

The complex mix of environmental, economic and social issues which arise in connection with household waste collection have been examined in a detailed Regulatory Impact Analysis. The new approach to the regulation of household waste collection which has been decided was informed by that Analysis, which is being published in conjunction with this policy statement<sup>21</sup>.

### 4.2 The Government's Objectives in Regulating Household Waste Collection

The Government's goal insofar as household waste collection is concerned is to maximise collective wellbeing by establishing and maintaining a system of regulation which provides the optimal mix of economic, environmental and social outcomes, specifically, those which:

- Support the attainment of our environmental objectives, adhere to the waste hierarchy and the principle that the polluter pays, minimise the disposal of waste in landfill, and maximise recoverable resources.
- Are consistent with the legal cornerstones of National and European policy, including the Landfill Directive and the Waste Framework Directive.
- Provide for the segregation of household waste, as required by EU and national law.
- Maximise the number of households with access to a waste collection service and maximise householder participation.
- Minimise the price paid by householders, commensurate with the achievement of environmental objectives.
- Ensure a high quality service to the householder.
- Support a competitive and progressive waste management industry which works in cooperate with the State to meet its responsibilities.
- Provide the market with stability and the regulatory certainty necessary to underpin investment in the suite of infrastructure required and support the development of associated markets.
- Meet other social preferences such as minimising community disamenity and maximising health and safety.

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<sup>21</sup> Available at [www.environ.ie/](http://www.environ.ie/)

- Drive compliance through a robust enforcement regime for service providers and users.

The analysis of the regulation of household waste collection underpinning this policy statement has identified a number of areas of poor or problematic performance in the current regulatory model, which render it incapable of meeting the Government's objectives, including:

- Low rates of householder participation in some areas.
- Insufficient levels of prevention and reuse of waste.
- Insufficient levels of segregation of household waste.
- Pricing issues, including pricing structures which do not incentivise sustainable behaviours.
- Concerns in relation to meeting the State's legal obligations under EU law, where the State is currently not achieving some obligations and is at risk of not meeting others in the future.
- Potential competition and corporate governance issues.
- Other social and environmental failures such as illegal waste activities.
- Insufficient or ineffective implementation of the polluter pays principle in cases where industry does not take appropriate responsibility for the end of life treatment of their products.

Other issues identified include the critical nature of household waste collection services to the economy and the wellbeing of society, and the inherent transaction costs, and the potential economic disruption and other risks, of an alteration in market structure particularly during this difficult phase of the economy's recovery.

A full Regulatory Impact Analysis has been undertaken which identified a number of risks associated with fundamental changes to the existing market structure. In assessing the risks, the Regulatory Impact Analysis notes that household waste collection is a critical service; service delivery failures could have an extreme impact on public health. Other impacts of service delivery failure could include significant disamenity of accumulations of uncollected household waste. Also, small to medium sized waste management companies may be disadvantaged by the introduction of franchise bidding, relative to their larger counterparts, particularly during the current economic climate which may also undermine future levels of competition.

Therefore, it has been decided to preserve the current side by side market structure, but to strengthen significantly the regulatory regime which applies to household waste collection in order to address the above identified deficiencies. Specifically, the Government will introduce the following range of measures:

## 4.3 Policy Measures and Actions

### 4.3.1 Waste Collection

- Through collection permits issued under a strengthened permitting system, waste collectors will be required to:
  - manage the waste collected in accordance with the waste hierarchy and in a manner supportive of the development of a resource efficient and sustainable approach to the management of waste;
  - deliver mandated service levels; and
  - operate pricing structures designed to incentivise environmentally sustainable behaviours by households in terms of waste reduction and segregation.
- The collection permitting system will be strengthened further so that:
  - robust controls are in place to ensure that only “fit and proper” individuals and companies are allowed to hold such permits and appropriate corporate governance arrangements are implemented;
  - Producer Responsibility Initiative waste is always provided to the obligated compliance scheme or waste collector and is recovered and recycled appropriately by, the relevant sectors at all times; and
  - Permit fee structures reflect the value of the permission to collect waste conferred by a permit, the need to contribute to the costs of essential enforcement of the permitting system and the potential liabilities for the State which may arise from poor collection and management practices.
- All household waste collection service providers will be required to put in place Customer Charters, clearly setting out information for customers in relation to issues such as charging structures, procedures for dealing with customers who may fall into arrears, and arrangements for switching from one waste collector to another. These will be audited annually as part of the permitting process.
- Measures will be introduced through the strengthened collection permit system to manage better the nuisance, emissions and health and safety risks of overlapping household waste collection networks.
- Inspection and enforcement resourcing for collection permits will be increased, funded in part by the revised permitting fee structure.

### 4.3.2 Households

- All householders will be obliged to demonstrate that they are availing of an authorised waste collection service or are otherwise managing their waste in an environmentally acceptable manner, in accordance with legislation and the provisions of waste management plans, in order to combat illegal fly-tipping, littering and backyard burning of waste by a minority of households, and to avoid the compliant majority having to bear the costs of dealing with the consequences of such activities.
- To support households, awareness and education measures will be strengthened; the waste collection industry will be encouraged to play a role in such measures.

- Taking account of the Government's decision in relation to the household waste collection market structure, the relevant Programme for Government commitment and the requirements of the Waste Framework Directive, including the polluter pays principle, it is intended to introduce a household waste collection waiver scheme and other alternative support schemes for low income households. An inter-departmental working group will be established comprised of representatives of the Departments of the Environment, Community and Local Government; Social Protection; Public Expenditure and Reform; Finance; and the Tánaiste's Office; the working group will report to Government by October with recommendations on measures to minimise the impact of waste charges on low income households.
- The Producer Responsibility Initiative model will be implemented in a manner that ensures that households are encouraged and facilitated to reuse and recycle waste from the specific waste streams involved.

#### ***4.3.3 Operation of the Market***

- The Competition Authority is being requested by the Government to maintain an ongoing oversight of household waste collection markets as the retention of the current market structure, combined with a strengthened regulatory regime, will need to be subject to close monitoring.
- The next formal review of the household collection market, including a report by the Competition Authority, will be carried out in 2016, as part of the proposed overall mid-term review of the implementation of this policy statement, unless circumstances of a failure to meet obligations under the 2013 Landfill Directive, or the emergence of other more immediate serious market or regulatory failures, require an earlier intervention. The performance of the household waste collection industry in contributing to the achievement of the policy statement's objectives will be a central element of the review.

## SECTION 5 – COMPLIANCE AND ENFORCEMENT

### 5.1 Compliance

The vast majority of citizens and businesses are compliant with their waste management obligations. Significant efforts have been made by the State, particularly through the local authority system and the work of the Environmental Protection Agency, to balance the absolute need to ensure such compliance with the avoidance of unnecessary regulatory burden on both the individual and industry. Government is of course aware of the implications of regulatory obligations in terms of costs to business and seeks to minimise such costs. However, the State must ensure that the public and the environment are not threatened or damaged by the activities of rogue operators. There is also an obligation on the State to ensure that our EU obligations are met and that the State, and therefore the taxpayer, is not exposed to the legal and financial consequences of failures in our regulatory regime.

A number of measures to reduce the burden on business have been put in place in relation to waste management in recent times. Controls on the movement of hazardous waste within the country have been rationalised, resulting in a 70% reduction in the charge for the service from €20 per transaction to €6. The centralisation of the waste collection permit application system as part of the wider local government reform project also reduces costs by sharing services and standardising procedures. The Producer Responsibility Initiatives review will also examine the potential for reducing the administrative burden in relevant areas.

Building on the measures outlined above, work is now necessary to ensure the balance between essential regulation and operational efficiency is further developed.

### 5.2 Policy Measures and Actions

- **The contribution of industry and business to meeting their obligations as producers will be examined as part of the Review of Producer Responsibility Initiatives currently being carried out.**
- **It is clear that some producer responsibility schemes have delivered excellent results, but it is now time to ensure that all such schemes are properly structured to deliver efficiently and effectively for their members and the State in changed economic circumstances; this will be taken forward under the overall review of producer responsibility schemes which has been commenced in parallel with the preparation of this policy statement. It is also necessary to examine how other industries, not currently the subject of such schemes, are delivering environmental performance. Producer Responsibility Initiatives taken to comply with obligations will be benchmarked against the environmental performance of the industry in question on an ongoing basis.**
- **The environmental regulatory regime governing the waste management sector will be kept under ongoing review, in order to ensure that any unnecessary administrative burden is identified and reduced, while maintaining an appropriate balance with the need for effective oversight and reporting.**

- A focused Working Group drawn from the relevant regulatory and other bodies will be tasked with examining opportunities for greater use of shared and online services, with a view to reporting by December 2012.
- All householders will be required to either avail of properly authorised waste collection services, or be in a position to demonstrate that they are managing their waste in an environmentally appropriate manner, such as through the use of civic amenity sites. Appropriate penalties, including the application of fines, will be provided for in regulations. It is imperative that the majority of householders who comply with the law and manage their waste responsibly do not have to bear the cost of illegal dumping, backyard burning and littering by the non-compliant minority who simply abandon their waste, damaging the environment, adversely affecting our economy, not least in terms of our tourism industry, and driving up the costs for the taxpayer.

### 5.3 Challenges

Large scale illegal dumping has been eliminated, but other challenges such as fly-tipping, backyard burning, metal theft and diesel laundering remain. The introduction of requirements on households to manage their waste in an environmentally sound manner, detailed on pages 31 and 32, will contribute to the minimisation of the environmental, health and economic impacts of such illegal waste activity. The burden on the public, businesses and the State in dealing with the impacts of such illegal activity is significant. For example, over €1m was required to support the work of local authorities in dealing with the sludge from diesel laundering in 2011 alone. In many instances, serious criminal offences are being committed (often as part of wider criminal activity) and this necessitates multi-agency operations involving An Garda Síochána, the Revenue Commissioners and the Department of Social Protection, as well as waste enforcement authorities. The emergence of greater export of waste also gives rise to challenges in terms of ensuring the extraction of the optimum resource potential from waste. From an enforcement perspective, it is essential that waste materials for export are properly managed to ensure, inter alia, that proper controls are applied in respect of the materials' descriptions, treatment, storage and dispatch.

### 5.4 Policy Measures and Actions

- A review of the respective waste regulation and enforcement roles of the Environmental Protection Agency (Office of Environmental Enforcement) and local authorities is being initiated and will be completed by the end of 2013. This will have a particular focus on dealing with serious criminal offenders and the need for more intelligence-led and coordinated multi-agency enforcement, aimed at ensuring targeted, timely and effective enforcement outcomes.
- The establishment of a team of waste enforcement officers for deployment in cases relating to serious criminal activity will be prioritised in consultation with An Garda Síochána.
- Decisions in relation to the application of the waste hierarchy in matters of licensing and enforcement will be the responsibility of the appropriate

regulatory authorities on a case by case basis, and determinations in relation to such matters will take account of the Waste Framework Directive, EU Commission guidance on the implementation of the Directive, national policy and regional waste management plans.

- The storage and export of waste material will be strictly policed to ensure that:
  - No environmental damage arises from the storage of such materials prior to export;
  - Any exports taking place fully respect the requirements of the transfrontier shipment regulations, avoiding both the environmental and reputational damage which a breach of the regulations would cause; and
  - Exports are managed in an environmentally sound manner in the country of destination.
- The National Transfrontier Shipment Office, in determining if reasoned objections to shipments of waste should be made in accordance with Article 11 of the Waste Shipments Regulation for mixed municipal waste shipments or other waste stream shipments, will have regard to national policy and the Waste Framework Directive, which are focused on maximising the resource which can be extracted from waste material and the development of a sustainable and self-sufficient approach to the management of our waste in accordance with the proximity principle.
- Enforcement action will be taken to ensure that specific waste streams dealt with under the Producer Responsibility Initiative model are managed in a manner that ensures that Ireland's obligations are delivered.
- In consultation with enforcement authorities, a review of the range, level and application of penalties for breaches of waste management legislation is now being initiated; this will be completed by December 2013.

## SECTION 6 – PREVENTION

### 6.1 Definition

*Prevention is defined in the Waste Framework Directive as measures taken before a substance, material or product has become waste, that reduce:*

- (a) the quantity of waste, including through the reuse of products or the extension of the life span of products;*
- (b) the adverse impacts of the generated waste on the environment and human health; or*
- (c) the content of harmful substances in materials and products;*

The Waste Framework Directive places prevention at the pinnacle of the waste hierarchy, as it is obviously better not to create waste if possible. However, daily living and the manufacture of products inevitably gives rise to some waste. The focus must therefore be on the prevention of unnecessary waste and the minimisation of waste generation. This can be supported by sustainable design and packaging of products, smarter shopping by consumers and by extending the life of products which we already own.

Ireland has a well established and well resourced National Waste Prevention Programme which is seen as an example of best practice in Europe. The Programme represents the work of the public and private sectors in driving resource efficiency and in developing a sustainable approach to waste management. The steering group for the Programme is comprised of a wide range of stakeholders and offers the opportunity for the identification of opportunities for all sectors.

### 6.2 Policy Measures and Actions

- **The Environmental Protection Agency, as part of its review and renewal of the National Waste Prevention Programme by the end of 2012, will be requested to focus on resource efficiency, prevention and reuse and the development of coordinated approaches with other State agencies.**
- **Local Authorities will be required to prioritise waste prevention both in the development of new regional waste management plans and in the implementation of measures with local business and community groups, such as the promotion of smart shopping and purchasing to eliminate waste generation and unnecessary costs. All local authorities, whether acting alone or in groupings, will be expected to participate in the Local Authority Waste Prevention Demonstration Programme, which provides the skills to develop waste prevention within local communities. Examples of this can be seen in the work to date which has included the development of waste prevention guides for farmers, publicans and leisure centres.**
- **Ireland will work at a European level to secure EU-wide engagement with large scale international producers in relation to product design. Well designed products and packaging can provide an extended operational life, while also reducing the impact on the consumer and the environment through the**

elimination of excess materials which place additional burdens on the environment, through, for example, the use of additional fuel to transport heavier goods, and on the consumer, who has to manage and pay for additional waste.

- All current and future producer responsibility schemes will be required, as part of the conditions of their approval, to formulate, implement and demonstrate significant waste prevention and reuse initiatives for their particular waste streams.
- The rate of the Plastic Bag Levy will be kept under review to ensure the dissuasive effect of the levy as an economic instrument is maintained.
- The use of economic instruments in a progressive manner to drive resource efficiency is being considered in the context of the review of producer responsibility, having regard to the environmental performance of producers. The existence and application of economic instruments will be further examined as part of the monitoring of the implementation of the Waste Framework Directive to support the management of waste in accordance with the waste hierarchy.

## SECTION 7 – REUSE

### 7.1 Definition

*Reuse is defined in the Waste Framework Directive as any operation by which products or components that are not waste are used again for the same purpose for which they were conceived.*

In considering resource efficiency, it must be remembered that many of the products we purchase are produced using finite resources. Therefore, if the life of such products can be extended through reuse by other businesses and consumers, then the pressures on the planet's finite resources are lessened. The development of schemes such as freetradeireland.ie and smileexchange.ie provide opportunities for items which have remaining lifespan, but for which their current owners no longer have a need, to be reused by others.

Notwithstanding the success of these and other such websites, there remain challenges in establishing public confidence in the reuse of products. The public sector has a role to demonstrate a commitment to reuse, both in order to ensure the most effective and efficient use of resources, and to help engender a broader confidence in the approach to reuse. The issue of confidence must be overcome, as there are considerable opportunities for the creation of jobs and businesses which prepare goods for reuse and for the social enterprise sector.

### 7.2 Policy Measures and Actions

- **The areas of reuse and opportunities for preparation for reuse will be encouraged and promoted through the renewed National Waste Prevention Programme, the environmental awareness work of local authorities, the Producer Responsibility Initiative compliance schemes and the enterprise support agencies. This will build on existing examples of reuse websites such as SMILE and Freetrade Ireland, which facilitate the reuse of unwanted goods between businesses and between members of the public.**
- **The Producer Responsibility Initiative review will examine the issue of a Reuse Policy for Electrical and Electronic Equipment and other Producer Responsibility Initiative sectors and will make recommendations which will inform short-term policy development to support further progress in this area.**
- **A Public Sector Reuse Policy will be developed in consultation with the National Procurement Service and other relevant bodies, to ensure that public sector organisations give full consideration to feasible reuse options before embarking on the purchase of new goods. This reflects the very clear leadership role of the public sector in the development of a sustainable economy, as highlighted in Our Sustainable Future – A Framework for Sustainable Development in Ireland and the Green Tenders Action Plan on Green Public Procurement.**

## SECTION 8 – RECYCLING

### 8.1 Definition

*Recycling is defined in the Waste Framework Directive as any recovery operation by which waste materials are reprocessed into products, materials or substances whether for the original or other purposes. It includes the reprocessing of organic material but does not include energy recovery and the reprocessing into materials that are to be used as fuels or for backfilling operations.*

### 8.2 Progress to Date

Ireland has made considerable strides in recent times in its recycling performance. This is a reflection of a growing awareness among the public and business of the economic and environmental benefits of diverting materials away from disposal to productive use in recycling, as well as improved source segregated collection of recyclable materials. Statistics demonstrate this, with a recycling rate for municipal waste standing at 38% in 2010, close to the European norm of 40%.

One of the key challenges for Ireland is our level of dependence on export markets for the processing of recycled materials collected from homes and businesses. This reliance on export means that the materials collected have to compete in a global market on issues of quality and price. Ireland's dependence on exports presents additional challenges and runs the risk of material collected for recycling ending up in landfill depending on market circumstances. International recyclates markets are very competitive and, as seen in 2008, markets can contract suddenly, resulting in reduced demand. In order to help ensure continued access to international markets, recyclates must not only be of high quality, but must also satisfactorily demonstrate that high quality.

A more developed indigenous recycling sector not only reduces our reliance on volatile world markets, but also benefits the domestic economy in terms of securing greater value added and job creation in Ireland. It was against that background that a cross-sectoral Market Development Group was established in 2004, drawing together representatives from major stakeholders involved. A 5 year *Market Development Programme for Waste Resources* to facilitate the market development of recyclables was put in place and a targeted set of arrangements, known as RX3, was put in place to implement the Programme for the 5 years to late 2013.

Important research projects have been undertaken with a view to supporting businesses, increasing market intelligence and improving the quality of recycled materials. Deliverables to date include:

- **A Plastic Waste Arising Study** which provides detailed analysis of the plastics supply chain with information on the types of plastics collected by source, tonnages and available capacity to convert more waste plastic to a higher value resource;

- **A Recovered Paper Best Practice Guidance and Supply Chain Study**, which provides a useful tool to improve the quality of Material Recycling Facilities outputs;
- The development of an **NSAI National Compost Standard (IS441) and associated Quality Assurance Scheme** to improve the quality of compost produced by composting facilities and to ensure accredited processes were in place for facilities aspiring to achieve this quality standard. Currently 18 composting facilities are participating in the implementation of the pilot Quality Assurance scheme;
- **Compost Crop Trials** to complement the quality protocol so as to increase confidence within the agricultural sector in the use of compost. These trials have the dual benefit of increasing markets for compost producers while helping the agricultural sector to engage in the sustainable production of food; and
- **Feasibility Studies** to develop new business opportunities to explore new innovative concepts for expanding the production and range of recycled products, to improve further the quality of existing products and to investigate ways of increasing value and promoting wider market acceptability in respect of end use. Projects cover organics, paper, plastics and textiles.

### 8.3 Priorities for Further Progress

One area which has already been identified as requiring immediate attention is that of organic waste. The National Waste Report for 2010 identifies that 47% of biodegradable municipal waste was disposed of to landfill. There is clearly a need to address this situation, not just to meet EU diversion targets, but to ensure that this material is used for more sustainable and profitable purposes. This is material which could be turned into products such as composts and into energy through technologies such as anaerobic digestion. Progress towards the separate collection of organics through the rollout of the “brown bin” has been disappointing and this collection method offers an opportunity to divert such material at a much more accelerated pace, if more extensively implemented.

As discussed above, a Review of the Producer Responsibility Initiative model in Ireland is now underway and its report is intended to be completed by early 2013, with initial modules to be presented in the interim. The overall purpose of this review is to assess the nature and level of the challenges currently facing the existing producer responsibility schemes, as well as new challenges that are expected to arise in the management of various waste streams. It is anticipated that the findings and recommendations from the review will form the basis for the development of robust Producer Responsibility Initiatives that will enable Ireland to operate successfully in meeting our domestic and EU environmental obligations in the medium to long term. Notwithstanding the review, it is important that those who produce, collect and process waste have some responsibility mechanism linked to meeting Ireland’s EU obligations. Therefore, the measures set out below will be implemented.

### 8.4 Policy Measures and Actions

- **Household Food Waste Regulations will be introduced to require separate collection of such material, supporting its diversion from landfill to more productive uses.**

- A comprehensive Regulatory Impact Analysis in relation to Household Food Waste Regulations has been prepared and will be published with the associated regulations in September 2012.
- Separate collection of organics will be a required waste permit condition for those collecting from households within population centres of a given size and will be introduced on a phased basis over a four year period, beginning with larger population centres. The Regulatory Impact Analysis on draft Household Food Waste Collection Regulations confirms the value of separate “brown bin” collections. A formal waste collection permit requirement to roll out the brown bins is now necessary as the initiatives pursued to date have not proven sufficiently successful.
- Households will be required to participate in a separate collection of organics when availing of a collection service, or demonstrate the appropriate management of such material, (e.g. home composting). This has the potential to support the creation of jobs and add value in alternative treatment for this material.
- The introduction of mandatory service standards for household waste collection will progressively increase the degree of segregation of household waste. Initially, mandatory service standards will provide for a minimal national standard of segregated collections of residual waste and dry recyclates, with separate organics collections made available on a phased basis. Mandatory service standards will also address the frequency of collections, as appropriate. In time, the mandatory national service standards will be progressively increased, with a view to the achievement of the ultimate goal of virtually eliminating landfill.
- Strengthened enforcement of permit conditions relating to segregated collections will be initiated, with appropriate financial penalties being specified for breaches of such conditions, and possible withdrawal of permits in cases of serious breaches.
- The Review of Producer Responsibility Initiatives will examine the appropriate financial mechanisms to ensure compliance by producers with their obligations. Those sectors which are generating significant waste, and which do not have successful voluntary initiatives in place, will be considered for specific regulation as part of the review. In particular, specific producer responsibility requirements for construction and demolition projects over a certain threshold will be considered.
- The promotion of awareness of the benefits of recycling must be a shared responsibility and actors in the producer responsibility sector will be expected to demonstrate significant commitment to awareness-raising as will local authorities, waste collection companies and the wider public sector and business community. The Producer Responsibility Initiatives review will consider the most efficient and effective manner to progress this issue in relation to waste streams covered by that model.

- **The Government will continue to support the use of recycled material through the Green Public Procurement Action Plan, Green Tenders, and relevant Departments and Agencies will cooperate to encourage the development of indigenous processing opportunities.**

## SECTION 9 – RECOVERY

### 9.1 Definition

*Recovery is defined in the Waste Framework Directive as any operation the principal result of which is waste serving a useful purpose by replacing other materials which would otherwise have been used to fulfil a particular function, or waste being prepared to fulfil that function, in the plant or in the wider economy.*

A range of recovery facilities have been developing in recent years as opportunities are identified for the use of waste as a resource. Given our dependency on imported fossil fuels and the challenges which this presents for a sustainable energy policy, it is important to harness the potential of waste to contribute in a significant manner to displacing the use of finite fossil fuel resources. Waste can be used in a number of ways and through a number of technologies to produce energy, including through anaerobic digestion, thermal treatment and through the use of solid recovered fuel in facilities such as cement kilns.

In considering measures for the encouragement of recovery, a balance must be struck between the development of essential infrastructure and the importance of ensuring that material which could be reused or recycled is not drawn down the hierarchy and that waste generation is not encouraged in order to provide feedstock for recovery processes. In this context, the Technical Guidance Document published by the Environmental Protection Agency on “Municipal Solid Waste: Pre-treatment and Residuals’ Management” is of particular importance, given its provision that residual municipal waste delivered to a waste to energy facility must first have been collected through a source separated system and mechanical treatment for the extraction of metals and other marketable recyclables must be applied to the bottom ashes that are generated following combustion.

### 9.2 Policy Measures and Actions

- **The reform of the waste collection permitting system will provide the opportunity for the application of such conditions as are necessary to give effect to the waste hierarchy, reflecting the legal status of the hierarchy and the range of recovery options emerging, to promote self sufficiency and to drive a move away from disposal and towards recovery.**
- **Conditions imposed on each waste collection permit to prohibit waste which has been source segregated by the waste producer for the purposes of recycling, from being sent for recovery or for disposal, will be rigorously enforced.**
- **The careful design and use of incentives and economic instruments will be a key focus for ensuring that waste is not drawn down the waste hierarchy.**
- **The development of appropriate treatment requirements and quality standards for the production of fuels from waste will be examined in order to assist in the acceptance and marketability of such fuels.**

- **Measures to encourage the attainment of more ambitious EU recovery targets in specific waste streams will be finalised in light of the findings of the Review of Producer Responsibility Initiatives.**
- **Government will ensure that the relevant Departments and agencies pursue a coordinated approach in support of the development of recovery infrastructure.**
- **Ireland requires an adequate network of quality waste treatment facilities. A review of recovery infrastructure will be completed by 31 December 2012 and the Environmental Protection Agency will advise on requirements in this regard. In particular, this will examine capacity for managing municipal waste in conformity with the principles of proximity and self-sufficiency.**

## SECTION 10 – DISPOSAL

### 10.1 Definition

*Disposal* is defined in the Waste Framework Directive as any operation which is not recovery even where the operation has as a secondary consequence the reclamation of substances or energy.

Notwithstanding the progress made over the last 15 years, Ireland still has an unsustainable dependence on landfill as a method of managing its waste. The need for much more rapid progress in the provision of sustainable alternatives was indicated in the National Waste Report for 2010. While the most pressing immediate driver must remain compliance with the Landfill Directive limits, we must also now plan more fundamentally for alternative approaches that will allow us effectively to eliminate our use of landfill within the next decade.

The necessary use of policy instruments such as bans and levies has proven useful in supporting the initial progress in complying with our EU obligations. These will therefore continue to be part of a useful toolkit for the next steps in the move away from disposal. The extent to which these instruments are deployed should be informed by the actual performance achieved in meeting our obligations under EU and national policy and legislation.

For those landfills now reaching the end of their lifespans, or those which will reach terminal capacity in the next decade, there must be assurances that the necessary aftercare has been both planned for and is underpinned by the necessary financial provision.

### 10.2 Policy Measures and Actions

- **The timing and nature of the application of landfill bans will be considered in light of the level of diversion being achieved and the development of viable beneficial uses for waste in support of the virtual elimination of our dependence on landfill. This will also provide the benchmark for monitoring and decisions in respect of other policy options such as continued exemptions for specified material from the landfill levy.**
- **The exemption from the landfill levy for shredder residue is being removed in order to support the achievement of end-of-life vehicles recycling and recovery targets.**
- **Exemptions from the landfill levy for other material will be reviewed as part of the mid-term review of policy implementation planned for 2016, with particular regard to the performance in each waste stream, or at an earlier date in the event of abuse of exemptions arising.**
- **Following the mid-2012 and mid-2013 increases in the landfill levy to €65 and €75 per tonne, respectively, the rate of charge of the levy will be kept under review by reference to diversion rates and the Consumer Price Index to ensure the dissuasive effect of the levy as an economic instrument is maintained.**

- **Appropriate legislative support for the enforcement work of the Environmental Protection Agency will be strengthened, if necessary, following consideration of the ongoing work of the Agency in relation to landfill gate fees and financial guarantees for licensed facilities.**
- **Options in relation to the beneficial use of closed landfill facilities will be considered in light of the outcome of projects under the Environmental Protection Agency Research programme, Science, Technology, Research and Innovation for the Environment (STRIVE), and other research.**

## SECTION 11 – IMPLEMENTATION

### 11.1 Annual Report

There will be an annual review of performance under each policy heading conducted by a National Compliance Committee comprising the Department of the Environment, Community and Local Government, the Environmental Protection Agency and the local authorities. Recommendations for dealing with any policy failures will be made and a particular focus will be placed on:

- Compliance with the waste management hierarchy – moving up the hierarchy by reducing landfilling and increasing recovery/recycling.
- Application of economic instruments to support waste management according to the waste hierarchy.
- Provision of an adequate network of waste management infrastructure to support the drive to become self sufficient in such facilities.
- Achievement of diversion targets for biodegradable waste from landfills.
- Meeting all other waste legislation targets, including specific waste stream targets across the Producer Responsibility Initiative sectors.
- Ensuring Ireland’s overall compliance with EU waste legislation.

The Compliance Committee will publish an annual report on progress, taking account of the findings of the annual National Waste Reports from the Environmental Protection Agency. The Waste Forum, established earlier this year, will provide an opportunity for the ongoing input of stakeholders to the implementation of this policy statement, as wide commitment will be required to deliver the more resource efficient society envisaged.

The Network for Ireland’s Environmental Compliance and Enforcement (NIECE) will have a crucial role in supporting waste enforcement activities, under the overall leadership of the Office of Environmental Enforcement, which will supervise performance with a view to achieving consistency and a level playing field and upgrading the existing network for inspections and surveillance. Training or upskilling will be arranged for all local authority personnel concerned, particularly recently reassigned personnel. In addition, complaint handling will be closely monitored under the National Complaints system – and under the Office of Environmental Enforcement’s oversight arrangements.

### 11.2 Performance Indicators

The targets set out below are the essential yardsticks against which Ireland’s waste management performance will be measured. Given the preponderance of EU targets involved, it is important to note the robust process underpinning targets set at the European level. For example, the recycling targets prescribed in Article 6.1 of Packaging Directive 94/62/EC are based on the practical experiences of packaging recycling in the Member

States<sup>22</sup> and the determination of optimal recycling rates on the basis of the marginal costs and benefits of such targets<sup>23</sup>. An EU Commission review of the implementation of the Packaging Directive in 2008 concluded that the targets remained optimal.

Where national performance is exceeding the required level, it is expected that such performance must at the very least be maintained as targets are likely to be made more challenging with the agreement of Member States in the years to come during the transition to a recycling and resource efficient Europe. National performance in this regard should be examined not just with regard to the assessment against the levels required in Directives, but also against the objective of moving to a sustainable and resource efficient management of waste and the move to the virtual elimination of landfill in the next decade.

It should also be noted that Ireland must also deliver in structural terms in meeting its requirements under the Waste Framework Directive in areas such as waste management planning, enforcement, prevention and reuse which are dealt with elsewhere in this document.

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<sup>22</sup> Based on the official data on the management of packaging waste submitted by EU Member States, the Report prepared for the European Commission by Argus/ACR/Carl Bro Argus/ACR/Carl Bro 2001 European Packaging Waste Management Systems, [http://europa.eu.int/comm/environment/waste/facts\\_en.htm](http://europa.eu.int/comm/environment/waste/facts_en.htm) and a 2001 Report on “Review of 1998 data on packaging and packaging waste recycling and recovery” carried out by PricewaterhouseCoopers.

<sup>23</sup> Refer to European Commission Study by RDC/Pira on the “Evaluation of costs and benefits for the achievement of reuse and recycling targets for the different packaging materials in the frame of the packaging and packaging waste directive 94/62/EC”, as well as an European Commission Study “Cost-efficiency of Packaging Recovery Systems” prepared by Sofres in 2000, which contains a relatively exact empirical evaluation of the various costs for packaging recycling of household packaging waste in four countries (France, Germany, the Netherlands and the United Kingdom) as well as estimates for the costs of recycling of non-household packaging waste. <http://www.europa.eu.int/comm/enterprise/library/lib-environment/lib-environment.html>.

Directive	Target Date	Specific Target goals	Progress	EPA Assessment of Risk
<b>Packaging Directive (94/62/EC as Amended)</b>	31-12-2011	60% of packaging recovered or incinerated with energy recovery	74%	Achieved
		55% of weight of packaging recycled	66%	Achieved
		No later than the target date the following minimum recycling targets for materials contained in packaging waste will be attained:		
		60% by weight of glass	78%	Achieved
		60% by weight of paper and board	84%	Achieved
		50% by weight of metals	63%	Achieved
		22.5% by weight of plastics, counting exclusively material that is recycled back into plastics	39%	Achieved
		15% by weight of wood	83%	Achieved
<b>WEEE Directive (2002/96/EC)</b>	31-12-2008	Separate collection of > 4kg of WEEE from private households per person per year.	8kg	Achieved
		For large household appliances and automatic dispensers:-		
		<ul style="list-style-type: none"> <li>recovery shall be increased to a minimum of 80% by an average weight per appliance; and</li> <li>component, material and substance reuse and recycling shall be increased to a minimum of 75% by an average weight per appliance.</li> </ul>	83%	Achieved
			80%	

Directive	Target Date	Specific Target goals	Progress	EPA Assessment of Risk
		For IT, telecommunications and consumer equipment:- <ul style="list-style-type: none"> <li>the rate of recovery shall be increased to a minimum of 75% by an average weight per appliance; and</li> <li>component, material and substance reuse and recycling shall be increased to a minimum of 65% by an average weight per appliance.</li> </ul>	85%  83%	Achieved
		For small household appliances, lighting equipment, electrical & electronic tools, toys, leisure and sports equipment, monitoring and control instruments:- <ul style="list-style-type: none"> <li>the rate of recovery shall be increased to a minimum of 70% by an average weight per appliance; and</li> <li>component, material and substance reuse and recycling shall be increased to a minimum of 50% by an average weight per appliance.</li> </ul>	85%  83%	Achieved
<b>ELV Directive (2000/53/EC)</b>	1-1-2006	Reuse and recovery to a minimum of 85% by average weight of vehicle and year.	78%	Not Achieved
		Reuse and recycling to a minimum of 80% by average weight of vehicle and year.	77%	Not Achieved
	1-1-2015	Reuse and recovery to a minimum of 95% by average weight of vehicle and year	78%	At Risk
		Reuse and recycling to a minimum of 85% by average weight of vehicle and year.	77%	At risk

Directive	Target Date	Specific Target goals	Progress	EPA Assessment of Risk
<b>Batteries Directive (2006/66/EC)</b>	31-12-2011	Minimum 25% collection rate for batteries & accumulators.	14%	On Track
	26-9-2016	Minimum 45% collection rate for batteries & accumulators	14%	At Risk
	26-9-2011	<p>Recycling processes shall achieve the following minimum recycling efficiencies:</p> <ul style="list-style-type: none"> <li>- recycling of 65 % by average weight of lead-acid batteries and accumulators, including recycling of the lead content to the highest degree that is technically feasible while avoiding excessive costs;</li> <li>- recycling of 75 % by average weight of nickel-cadmium batteries and accumulators, including recycling of the cadmium content to the highest degree that is technically feasible while avoiding excessive costs;</li> <li>- recycling of 50 % by average weight of other waste batteries and accumulators.</li> </ul>	To be reported to Commission in June 2012	
<b>Landfill Directive (1999/31/EC)</b>	16-7-2010	Biodegradable municipal waste going to landfills must be reduced to 75% of the total quantity (by weight) biodegradable municipal waste produced in 1995 (< 916,000 t)	860,000 t	Achieved

Directive	Target Date	Specific Target goals	Progress	EPA Assessment of Risk
	16-7-2013	Biodegradable municipal waste going to landfills must be reduced to 50% of the total quantity (by weight) biodegradable municipal waste produced in 1995 (< 610,000 t)	+ 250,000 t (estimate)	At Risk
	16-7-2016	Biodegradable municipal waste going to landfills must be reduced to 35% of the total quantity (by weight) biodegradable municipal waste produced in 1995 (427,000 t)	+ 433,000 t (estimate)	At Risk
<b>Waste Framework Directive (2008/98/EC)</b>	12-12-2020	Preparing for reuse and recycling of 50% by weight of household derived paper, metal, plastic & glass (includes metal and plastic estimates from household WEEE).	53%	Achieved
	12-12-2020	Preparing for reuse, recycling and other material recovery (incl. beneficial backfilling operations using waste as a substitute) of 70% by weight of C&D waste (excluding natural soils & stone)	98%	Achieved
	12-12-2013	Establishment of a National Waste Prevention Programme (NWPP)	NWPP established in 2004	Achieved

Ireland is at a turning point in how it manages its resources. Among those resources, we must consider waste and recycled materials. Even the residual waste in our black bins can be turned to useful purposes, including in the provision of alternative energy.

This policy document provides certainty, but we must be conscious of the need to monitor progress to ensure we achieve our objectives. Everyone must play their part in ensuring that we make the most of this increasingly valuable resource.

