



# Enforcement in the Waste Sector

## The Problem with a Two Tier System

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# Presentation Covers:

1. IWMA Members, Services and Facilities
2. Ireland's Current Performance in Waste Management
3. Two-Tier Enforcement



# IWMA Members – Non Hazardous



**Patrick Logan & Sons**



# IWMA Members – Hazardous



# Our Service



## IWMA Members:

- ▶ Employ **4,287** people directly.
- ▶ Recover more than **80%** of the waste we collect.
- ▶ Collect **845 Kt/a** of C&I wastes (76% of total)
- ▶ Collect **170 Kt/a** of C&D waste.
- ▶ Collect and Manage **266Kt/a** hazardous waste.
- ▶ Service **874,000** houses (c.73% of market)
- ▶ Collect **1.02** tonnes per household (**895Kt** total)
- ▶ Provide Green Bins to **all** customers
- ▶ Provide Brown bins to **418,000** customers and growing



# Our Facilities

| Type of Facility  | Number of Facilities | Licensed Capacity (tonnes) | 2013 Throughput (tonnes) |
|---|----------------------|----------------------------|--------------------------|
| Licensed Non Hazardous Mechanical Treatment Facilities<br>(incl. recycling & transfer)  | 38                   | 4,038,930                  | 2,211,607                |
| Permitted Non Hazardous Mechanical Treatment Facilities<br>(incl. recycling & transfer) | 21                   | 763,900                    | 467,583                  |
| Licensed Biological Treatment Facilities  | 4                    | 206,000                    | 119,751                  |
| Licensed Energy from Waste facilities   | 2                    | 820,000                    | 220,000                  |
| Residual Waste Landfill   | 1                    | 360,000                    | 310,900                  |
| Licensed Hazardous Waste Transfer & Treatment Facilities                                | 11                   | 513,257                    | 226,390                  |
| <b>Totals =</b>   | <b>77</b>            | <b>6,697,087</b>           | <b>3,556,979</b>         |

# IWMA in Partnership



- ▶ New **Pay by Weight** Regulations – Engagement with **DECLG**
- ▶ New **Regional Waste Management Plans** – Engagement with **Regions**
- ▶ Developments in **Irish Waste Policy** – Engagement with **DECLG**
- ▶ Developments in **EU Waste Policy** – Engagement with **EU Commission** via **FEAD**
- ▶ Waste **Collection** – Engagement with **NWCPO, Dublin CC and Kildare CC**
- ▶ Waste **Exports** – Engagement with **NTFSO**
- ▶ **Producer Responsibility** Schemes – Engagement with **DECLG, REPAK, WEEE Ireland.**
- ▶ Enforcement of **Licensed Sites** – Engagement with **EPA**
- ▶ Enforcement of **Permitted Sites** – Planned Engagement with new **Lead Authorities**
- ▶ Enforcement of **Criminal Activity** – Engagement with **Various** Authorities

# Where Partnership Breaks Down



Press Release from EPA :

## **“Half of legal actions taken by EPA in 2013 were against waste operators”**

Over 90 per cent of complaints to the Environmental Protection Agency (EPA) about waste facilities concern odour.

**Date released:** Mar 04 2015

### IWMA Response:

**Report highlights improvements in recycling and waste management by private operators**

**However, benchmarking with other industrial sites is considered inappropriate**

**Calls for EPA’s enforcement Role to be extended to all waste facilities, not just licensed sites.**

“The number of successful prosecutions against private sector waste licensed sites averaged less than 3 per year over the last 15 years and only one waste licensed facility was successfully prosecuted in 2014. In the meantime complaints have fallen by 70%.”

“IWMA members were disappointed that the EPA is benchmarking waste sites relative to other industrial sites. This is comparing apples with oranges.”

“The materials processed at waste facilities also tend to be odorous, so it is unfair to compare odour complaints at waste facilities with odour complaints at other industrial plants.”



# Ireland's Performance – EU Targets



## 2012 EPA Data:

- ✓ MSW Recycling = **45%** (2020 target of 50%)
- ✓ Packaging Waste Recycling = **74%** (target was 55% by 2011)
- ✓ Packaging Waste Recovery = **87%** (target was 60% by 2011)
- ✓ WEEE Recycling = **7.5** kg/person (target was 4kg in 2008)
- ✓ Batteries = **28%** collection rate (target was 25% in 2011)
- ✓ Diversion of Biodegradable MSW from Landfill = 2016 target met in 2013
- ✓ C&D Waste Recycling = **97%** (target is 70% by 2020)
- ✓ We also Achieved the individual targets for Packaging, WEEE and Batteries



# MSW Management in 2014 (1)

## Landfill Disposal in 2014 (from AERs)



| Site Name     | County    | 2014 Tonnage   |
|---------------|-----------|----------------|
| Drehid        | Kildare   | 284,930        |
| Ballynagran   | Wicklow   | 111,437        |
| Rathroeen     | Mayo      | 47,290         |
| Powerstown    | Carlow    | 47,230         |
| Scotch Corner | Monaghan  | 45,591         |
| Gortadroma    | Limerick  | 44,749         |
| Knockharley   | Meath     | 7,391          |
| North Kerry   | Kerry     | 4,521          |
| Donohill      | Tipperary | 2,410          |
|               | Total =   | <b>595,549</b> |



Drehid Landfill  
Co. Kildare

# MSW Management in 2014 (2)

Waste to Energy in 2014 (from AERs & TFS data)



| Site Name              | County  | 2014 Tonnage   |
|------------------------|---------|----------------|
| Carranstown            | Meath   | 226,285        |
| Cement Kilns           | Meath   | 149,881        |
| Export to Incinerators | Abroad  | 531,064        |
| Export to Cement Kilns | Abroad  | 6,778          |
|                        | Total = | <b>914,008</b> |



Carranstown WtE  
Co. Meath

# MSW Management in 2014 (3)

MSW Treatment in 2014 (unofficial IWMA estimate based on AERs & TFS data)



| Treatment                      | 2014 Tonnage | %     | Comments  |
|--------------------------------|--------------|-------|---|
| Waste to Energy Recovery       | 914,008      | 35.5% | from AERs & TFS data  |
| Other Recovery (organic fines) | 50,000       | 1.9%  | assumed (based on RDF production)                             |
| Landfill Disposal              | 595,549      | 23.1% | from AERs   |
| Recycling                      | 1,017,688    | 39.5% | calculated (total minus disposal & recovery)                  |
| Total =                        | 2,577,245    | 100%  | assumed growth of 1.5% per annum from 2012 plus 24Kt from NI. |



Millenium Park  
Dublin

# Enforcement

EPA & NTFSO Enforcement is certainly vigilant...



But is enforcement missing the real criminal activity?

"Code Zulu!  
Code Zulu!  
Six-ounce  
tube of styling  
mousse here!"



# Enforcement

Waste Enforcement in Ireland is missing the **criminals**



- The **two-tier system** is **failing**.
- Licenses are properly enforced, **permits less so**.
- The criminals are not operating licensed sites, so the **EPA cannot prosecute them**
- The **criminals** do not need licensed sites as they can present **false data** to stay within permit limits
- It is **difficult for Local Authorities** to enforce criminals due to the possibility of local intimidation and a lack of knowledge of the scams involved

# Enforcement



- The **EPA has prosecuted** many waste companies and local authorities for non-compliance with their licences
- The **evidence** used is usually **provided by the licensee** in the form of monitoring data, investigative reports, quarterly/annual returns, incident reports, etc
- **Criminals** do not make it that easy for the authorities
- The local authorities make it easy for the criminals by **hiding permit site returns** in filing cabinets rather than making them **publicly available on a website**.
- In fact, the local authorities that hide such evidence inadvertently act as **accomplices to the criminals**.
- EPA efforts to comply with **Aarhus Convention** will make this situation worse, unless permit AERs are attached to those efforts.

A large, dense table with a yellow background, likely representing permit site returns or monitoring data. The table has many columns and rows, with text that is mostly illegible due to the small font size. The columns appear to contain various identifiers, dates, and possibly compliance status or data points.

# Enforcement



- The local authorities are short on resources for enforcement, yet the **NTFSO** has prosecuted several IWMA members for **exporting paper to paper mills**.
- In each case where this has been challenged, the **judge** has agreed with the defendant that exporting paper to a paper mill is **not a crime**.
- These resources could have been better spent
- These prosecutions have incurred **significant costs** as well as business interruption to the defendants
- Such cases are very **stressful** for the defendants.



Waste Paper  
for Export



# Enforcement

Examples of Criminal Activity currently suspected in the Waste Sector, but not in the IWMA:

- Illegal dumping of MSW (sometimes on permitted sites)
- Illegal dumping of C&D fines
- Falsification of records – including false weighbridge data
- False number plates on trucks
- No certification on trucks (tax, insurance, DoE)
- Non-payment of VAT and other taxes
- Use of laundered diesel



# Enforcement

Example of Suspected Criminal Activity :

- Truck caught **dumping illegally**, with **false number plates** that related to an IWMA member's truck that was decommissioned. (note the engine and gearbox removed in photo below)



# Enforcement

Example of Suspected Criminal Activity :

- Permitted Transfer Station used as a dump for skip waste.



# Enforcement

Example of Suspected Criminal Activity :

- Suspected illegal dumping on permitted transfer station.



# Enforcement



By Comparison, EPA Enforcement Priorities for Licensed Sites include the following:

- Damaged Hardstanding.
- Drainage Not Colour Coded.
- Late Submission of Annual Environmental Report
- Inadequate Segregation of Wastes

Trivial compared to criminal activities described earlier.

Non Compliance Issued



After Cleaning



Non Compliance Issued



# Conclusions on Enforcement

- A **single Enforcement Authority** is Essential – we suggest EPA (time & again).
- Consideration should be given to an '**environmental crime unit**' within the authorities with Garda involvement to tackle the real criminals.
- Licensed sites are transparent, which greatly assists enforcement – It is essential that Permitted Sites be **equally transparent** (AERs on website). **Aarhus Convention** must apply to all.
- Permitted and licensed transfer stations & MRFs should all be required to have a **weighbridge** and must record all waste movements accurately.
- **GPS tracking** of vehicles should be considered.
- Permitted sites should be **inspected** and **audited** more regularly and with a greater level of expertise – perhaps **EPA involvement** in a training capacity.
- Without better enforcement, the criminals will take over the business and we will all pay for the clean-up. This particularly applies to the skip business. Illegal dumping of MSW and/or C&D fines provides a big **competitive advantage to the criminals**.

## Thank You for Listening