



Waste  
Management

DILLON  EUSTACE

DUBLIN CORK BOSTON NEW YORK TOKYO







## WASTE MANAGEMENT

### Introduction

The primary legislative provisions that govern the recycling and disposal of waste in Ireland are the Waste Management Acts 1996 – 2008 (the “Waste Management Acts”) and the Environmental Protection Act, 1992 (the “1992 Act”) (collectively the “Acts”) and the regulations made under the 1992 Act. The Acts have been implemented, among other objectives, to facilitate the transposition into national law existing and future European waste legislation which has and continues to strongly influence domestic legislation.

### Main Objectives of the Waste Management Act 1996 (the “1996 Act”)

The main objectives of the 1996 Act are to:

-  ensure a more effective organisation of public authority functions in relation to waste management, involving new or redefined roles for the minister, the Environmental Protection Agency (the “EPA”) and the local authority;
-  introduce measures designed to enhance performance in relation to the prevention and recovery of waste;
-  set down a detailed and up to date regulatory framework for the application of higher environmental standards, particularly as a response to EU and national waste disposal management requirements;
-  prohibit the transfer of waste to a person other than an authorised person;
-  prohibit the recovery or disposal of waste at an unlicensed facility;
-  require any person who carries on activities of an agricultural, commercial or industrial nature to take all such reasonable steps as are necessary to prevent or minimise the production of waste; and

- ▣ impose substantial penalties for offences to include fines and/or imprisonment plus potential liability for clean up costs.

Under the 1996 Act and associated regulations, all major local authorities are responsible for devising and reviewing the local waste management plans in relation to non-hazardous waste authorisation and control of commercial waste collection activities and the EPA is empowered to licence and monitor the performance of waste management activities and to make a national plan in relation to hazardous waste.

## Regulations under the 1996 Act

The regulations made under the 1996 Act includes;

- ▣ the Waste Management (Licensing) Regulations, 1997 (S.I. No.133 of 1997) which provides a system of licencing by the EPA in relation to waste disposal facilities;
- ▣ the Waste Management (Planning) Regulations, 1997 (No.137 of 1997) which specify the matters to be addressed in waste management plans and the bodies to which proposed plans must be submitted;
- ▣ the Waste Management (Register) Regulations, 1997 (No.183 of 1997) which prescribe entries to be made in registers maintained by the EPA and each local authority to facilitate public access to information;
- ▣ the Waste Management (Packaging) Regulations, 1997 (No.242 of 1997) which promote and support the recovery of packaging waste. The regulations impose obligations on all suppliers of packaged goods, packaging and packaging material to take necessary steps to recover packaging waste. Exemptions are available to suppliers who participate in an approved scheme for waste recovery; and
- ▣ the Waste Management (Farm Plastics) Regulations, 1997 (No.315 of 1997) which promote and support the collection and recovery of farm plastics used for sheeting, bale wrap and bale bags for silage importers and manufacturers of farm plastics are obliged to arrange for their collection and recovery. Exemptions are available to suppliers who participate in an approved scheme for waste recovery.

## Environmental Protection Agency (the “EPA”)

The EPA acts as a watchdog for the waste management industry and is responsible for licencing, enforcing, monitoring and assessing activities associated with environmental protection and ensuring that local authorities carry out their environmental protection functions. Where the EPA is of the opinion that a local authority is failing to carry out its functions satisfactorily, it can request a report from the local authority, provide advice and make recommendations where considered necessary on the basis of that report. If the local authority fails to act on the recommendations the EPA can instruct it to resolve the situation and as a last resort can deal with the situation as it sees fit and recover the costs from the local authority in question.

## Authorisations

Providers of waste disposal and recovery activities in Ireland are required to hold an authorisation in accordance with the Waste Management Acts. A waste recovery or disposal activity at a facility is either one of the following:

- ▣ an exempted activity (no authorisation required); or
- ▣ an activity requiring a waste (or IPPC (integrated pollution prevention and control)) licence; or
- ▣ an activity requiring a waste facility permit; or
- ▣ an activity requiring a waste certificate of registration/registration certificate.

The principal legislative provisions governing the form of authorisation are:

- ▣ The Waste Management (Licencing) Regulations, 2004 (S.I. No. 395 of 2004); and
- ▣ The Waste Management (Facility Permit & Registration) Regulations, 2007 (S.I. No. 821 of 2007) as amended by the Waste Management (Facility Permit Registration) (Amendment) Regulations, 2008 (S.I. No. 86 of 2008).

Depending on the authorisation required, these activities are controlled either by the EPA or by local authorities. All non-exempted local authority waste facilities are regulated by the EPA. The EPA is the authority which grants and enforces waste licenses for specified waste activities listed in the third and fourth schedule of the Waste Management Acts, 1996-2008. Licensing ensures that a high standard of environmental protection applies to the location, design, construction, operation and after care of waste disposal facilities.

## Updated Legislation

The Waste Management (Registration of Brokers and Dealers) Regulations, 2008 (S.I. No.113 of 2008) provides for the introduction of a registration system of waste brokers and dealers. These regulations follow on from the Waste Management (Shipment of Waste) Regulations, 2007 (S.I. No. 419 of 2007). The waste broker arranges to handle, transport, dispose of or recover controlled waste on behalf of other waste brokers including waste dealers who acquire waste and sell it on. The broker shares responsibility with the waste holders for the proper management of waste before and after its transfer and they are legally responsible for proper handling and disposal. Any individual or business that arranges the collecting, recycling, recovery or disposal of waste on behalf of another party must register as a waste broker with the National TransFrontier Shipments Office (the "TFS").

The Waste Management (Facility Permit and Registration) Regulations, 2007, as amended by the Waste Management (Facility Permit Registration) (Amendment) Regulations, 2008, and the Waste Management (Collection Permit) Regulations, 2007 as amended by the Waste Management (Collection Permit) (Amendment) Regulations, 2008 came into operation on the 1 June, 2008. The regulations govern the waste management permits, certificates of registration and waste collection permits.

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