



greenstar

setting the standard

Greenstar Limited,
Unit 6, Ballyogan Business Park,
Ballyogan Road, Sandyford,
Dublin 18.
Tel: + 353 1 294 7900
Fax: + 353 1 297 7990
Email: info@greenstar.ie

**EPA Headquarters
PO Box 3000
Johnstown Castle Estate
Co. Wexford.**

3rd December 2008

Re: Objection to PD W0201-02 Drehid Waste Management Facility Co. Kildare

To whom it concerns,

Greenstar Ltd, 6 Ballyogan Business Park, Ballyogan Road, Sandyford Dublin 18, hereby objects to PD W0201-02 granted by the Agency on 7th November 2008 to Bord Na Mona Plc for the review of a landfill waste licence at Parsonstown, Loughnacush, Kilkeaskin, Drummond, Timahoe West, Coolcarrigan, Killinagh Lower & Killinagh Upper, County Kildare.

Please find enclosed a cheque in the sum of €300 which includes the fee for an Oral Hearing, which we request.

The objection

This objection is centred on the wording of Condition 8.1.2 of the PD which seeks to limit waste accepted into the facility in accordance with the percentage of diversion of biodegradable municipal waste (BMW) which will take place subsequent to the arrival of waste at the facility.

Registered in Ireland No. 325120

Directors: G. Bailey, G. Dennison, M. King,
S. Cowman, E. Bolger (Secretary)
Registered Office: Burton Court, Burton Hall Road,
Sandyford, Dublin 18.

Affiliate Organisation, CIWM
Member of the IWMA
Corporate Affiliate of the IEI

Greenstar supports the view that Mechanical Biological Treatment (MBT) of waste has an important role to play in the meeting of national landfill diversion targets, particularly given the prolonged delays to proposed national incineration capacity. In this context we welcome the Agency's commitment in this PD to the setting of biological stability standards for stabilised biowaste.

However, notwithstanding the excellent progress made in the provision of national mechanical recycling capacity, limited progress has been made in the provision of the biological treatment aspect of MBT by either the public or private sectors. This is largely connected to the poor economics of biotreatment and the need to provide economic incentives to encourage the necessary investment.

In recent months the Global financial crisis has negatively affected both the economics of many recycling activities and the cost of financing large scale waste infrastructure. In this climate the imposition of waste licence conditions in the hope that they by themselves will stimulate the development of much needed national biowaste treatment infrastructure is misguided.

Insofar as this proposed condition attempts to force waste away from an existing EPA licensed waste disposal facility into biological treatment facilities which do not even exist yet and whose existence is not within the control of the licensee, this proposal does not guarantee environmental protection or the use of the best practicable environmental option (BPEO) and is not considered to be a Best Available Technique (BAT). Such an approach has not been adopted by any other Member State, and may have serious adverse consequences and should be revisited.

The adoption of such an approach in this and other landfill licences will result in the devolution to a limited and declining number of landfill operators, direct responsibility for the burden of the national Member State obligation to meet the EU Landfill Directive targets for the diversion of BMW from landfills.

This is considered to be a legally flawed concept. It raises legal issues of *vires*, constitutionality and competition. It is also contrary to Irish Government Policy 'Changing our Ways' and the approach adopted in successive Regional Waste Management Plans over the past decade. This proposed condition sets a precedent in Irish waste licences and there is no comparable wording in any other European landfill licence that we are aware of.

Applying the high financial burden of non-compliances, risks of prosecution / civil action and potentially any future European fines to individual licensees in the disproportionate manner proposed would most certainly force local authorities and private operators to curtail their annual intake of waste to landfills.

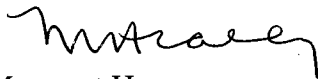
Against a 2010 backdrop of no incineration facilities, much reduced landfill capacity and insufficient biological waste treatment capacity, this approach could result in a national environmental crisis as there would be not be an alternative licensed treatment option available. In its disproportional manner it would also go against the essence of BAT as defined by the Agency.

I enclose as part of this objection a copy of Greenstar's October 2008 Consultation Submission on the Agency's Proposed BAT Document for Waste Pre-treatment.

In light of the above, Greenstar objects to the granting of PD W0201-2 and hereby requests that the Agency holds an Oral Hearing.

Please acknowledge receipt.

Yours sincerely



Margaret Heavey
For Greenstar

Encl Cheque in the sum of €300
Waste Pre-Treatment Consultation Submission Document dated October 2008

For inspection purposes only.
Consent of copyright owner required for any other use.

Municipal Solid Waste Pre-Treatment & Residuals Management

Proposed EPA Determination of Best Available Techniques (BAT)
for
Waste Pre-Treatment prior to Incineration and Landfilling

Consultation Submission by Greenstar

*For inspection purposes only.
Consent of copyright owner required for any other use.*

Greenstar
Fassaroe
Bray
Co. Wicklow

October 2008

Contents

	Page
1.0 Introduction	3
2.0 Executive Summary	4
3.0 New Lower Recycling Requirements prior to Incineration	6
3.1 Proposed Varied Pre-Incineration Standards	6
3.2 Effect on the Dublin Region	6
3.3 Effect on National Recycling Capacity	7
3.4 The DOEHLG International Policy Review	7
3.5 Non-Availability of Supporting Reference Documents	7
4.0 Manufacture of Solid Recovered Fuel – SRF	8
4.1 The Requirement for SRF	8
4.2 The Need for SRF Standards and Guidance	8
4.3 Unfair Market Advantage to Certain Facilities	8
4.4 The Exclusion of Alternatives to SRF	8
5.0 Devolution of Member State Obligations	
5.1 EU Landfill Directive Targets	9
5.2 Delivering Recycling Targets	9
5.3 Devolution of Obligations and Penalties	9
5.4 Declining Numbers of Landfills	10
6.0 Determination of Best Available Techniques – BAT	11
7.0 Obligation to Treat Waste	11
7.1 Separate Obligation to Target Obligation	11
7.2 Differs from Approach taken in other Member States	11
7.3 Compliance at Present	13
7.4 Legal Context	13
8.0 Restrictions on Organic Waste to Landfill	13
9.0 Incentives for Biowaste Treatment	13
10.0 Biowaste Stabilisation Standards	14
11.0 Enforcement	14
12.0 Consultation Period	14
13.0 Conclusion	15

1.0 Introduction

This report is Greenstar's initial consultation submission to the Environmental Protection Agency on the Draft EPA Technical Guidance Document - 'Municipal Solid Waste- Pre-Treatment and Residuals Management'.

The comments herein refer to draft V10 of the EPA document received by Greenstar on 22nd September 2008 and the consultation meeting held between the EPA and the Irish Waste Management Association on 8th October which was attended by IWMA members and Ms Laura Burke, EPA Director and Dr Jonathan Derham, EPA Senior Inspector.

*For inspection purposes only.
Consent of copyright owner required for any other use.*

2.0 Executive Summary

Greenstar welcomes this opportunity to engage with the Agency on the important subject of how Ireland is to meet its Member State obligation within the EU Landfill Directive for the targeted reductions of biodegradable municipal waste (BMW) to landfill.

We also welcome the Agency's confirmation in this document of a Biowaste Stabilisation Standard and the commitment of the Agency to the development of enforcement and testing protocols for the composting and stabilisation of Biodegradable Municipal Waste (BMW).

We are concerned however that elements of this consultation document steps beyond the Agency's statutory role and into the remit of Waste Management Policy and Planning. In particular the proposed variation of previous pre-treatment requirements for incineration (MBT and maximum possible removal of recyclables) to the new lower minimum standards proposed in this document (removal of dry recyclables only) will have the effect of significantly altering the waste hierarchy as currently defined by EU policy, and as implemented in Irish Waste Management Plans.

The proposed prioritisation of incineration over recycling and composting is also contrary to the objectives of the Agreed Programme for Government 2007-2012 and the spirit of the Waste Framework Directive. This effect will most immediately be felt in the Dublin Region where the new lower recycling standards will apply to more than half the municipal waste arising in the county, including all the waste destined for the proposed Poolbeg incinerator and all of the waste from Dublin Region which could be accepted at the proposed Carranstown Incinerator in Co. Meath (just below half of its licensed intake).

The proposed varied standards may assist in guaranteeing the flow of waste to incinerators but will also most certainly negatively affect the planning and business case for Mechanical Biological Treatment (MBT) capacity and the development of emerging and established alternatives to incineration including Anaerobic Digestion and Gasification.

This turnabout in the rules for incineration contrasts dramatically with the waste acceptance conditions in the Poolbeg draft licence (PD) issued by the Agency less than 12 months ago which required an MBT stage prior to incineration. In justifying this change, the Agency is relying on research which has not yet been made public and is not yet available for peer review.

In addition, this document proposes the use of IPPC waste licensing to devolve, to a small number of individual licensees, responsibility for the burden of the national Member State obligation to meet targets for the diversion of BMW from landfills. This is considered to be a legally flawed concept. It raises legal issues of *vires*, constitutionality and competition. It is also contrary to Irish Government Policy 'Changing our Ways' and the approach adopted in successive Regional Waste Management Plans over the past decade.

Furthermore, insofar as this new proposal attempts to force waste away from existing EPA licensed waste disposal facilities into biological treatment facilities which don't even exist yet and whose existence is not within the control of the licensee the proposal does not guarantee environmental protection or the use of the best practicable environmental option (BPEO) and is not considered to be a Best Available Technique (BAT). Such an approach has not been adopted by any other Member State, may have serious adverse consequences and should be revisited.

Applying the high financial burden of non-compliances, risks of prosecution and civil action and potentially any European fines to individual licensees in the disproportionate manner proposed would most certainly force local authorities and private operators to curtail their annual intake of waste to landfills. Against a 2010 backdrop of no incineration facilities and insufficient biological waste treatment capacity, this could result in a national environmental crisis as there would be not be an alternative licensed treatment option available. In its disproportional manner it would also go against the essence of BAT as defined by the Agency in this document.

The proposed varied landfill pre-treatment rules also contain an anomalous immediate requirement for the manufacture of a Solid Recoverable Fuel (SRF) from as a diversion obligation prior to landfill. The instant application of this SRF obligation could give an unfair market advantage to a limited number of industries able to accept the fuel including cement kilns and Indaver's proposed new incinerator at Carranstown, currently under construction.

Given the time and information constraints within this document, insofar as it is possible to offer comment Greenstar respectfully submits the following discussion of these issues, for the consideration of the Agency.

For informational purposes only
Consent of copyright owner required for all other use

3.0 New Lower Recycling Requirements prior to Incineration

3.1 Proposed Varied Incineration Pre-treatment Standards

As a leading recycling company which has invested heavily in modern state of the art recycling infrastructure, Greenstar is concerned at the proposed variation in the rules for waste to be accepted at incinerators and its inevitable affect on the waste hierarchy. The proposed varied pre-treatment rules limit the recovery of waste to the removal of 'dry recyclables' prior to incineration. This is proposed to be effected by the existing 2-bin collection systems with no further requirements for the mechanical sorting of black-bin waste or the separate collection and treatment of a biodegradable fraction.

In the draft Waste Licence (PD) for the proposed Poolbeg Incinerator issued by the EPA to Dublin City Council, as recently as November 2007, it is stipulated that all accepted waste must be pre-treated to a standard of

“ pre-segregation, sorting, MBT, to extract, to the maximum practicable and available extent, having regard to BAT, the recyclable/reusable components ”.

Under the proposed varied definition of pre-treatment prior to incineration this requirement would be dramatically reduced to what even today represents the minimum basic recovery standard – pre-segregation with no mechanical extraction or biological treatment stage. This proposal represents a significant and detrimental reclassification of the waste hierarchy and a change in policy to one of 'burn-it-at-all-costs'.

3.2 Effect of proposed Incineration standards on the Dublin Region

This 'turning on it's head' of the waste hierarchy will influence the planning of future waste infrastructure in all of the Regional Waste Management Plans the effect of which will be most immediately felt in the Dublin Waste Region. In that Region there are in train well advanced proposals for Poolbeg and Carranstown (which has planning permission to accept up to almost 100,000 tonnes per annum of waste from Dublin) for the incineration of up to 700,000 tonnes per annum of municipal waste which represents more than half the region's annual waste arisings.

To suddenly cut out a large swathe of the upper waste hierarchy for more than half of Dublin's waste represents a major change in waste management policy and will significantly affect the planning of future waste infrastructure and the economics of existing and future mechanical waste processing plants in that region. Such an action could seem to take the EPA beyond its statutory role into the area of waste planning and policymaking, which up to now has been the remit of the Local Authorities and the Department of Environment, Heritage and Local Government.

3.3 Effect of Proposed Incineration Standards on National Recycling Capacity

Applying a significantly lower threshold to the amount of recovery and recycling necessary prior to incineration will detrimentally affect the development and viability of non-incineration technologies throughout the country.

Greenstar, like many others in the waste industry, support the view that the MSW stream can be harnessed to provide a considerable quantity of renewable energy from the biomass content without the need to combust the non-biomass content.

Technologies already constructed and in use in the UK demonstrate that it is feasible to separate out the vast bulk of the biomass within the waste stream. Such advanced mechanical treatment of the waste stream offers a number of significant advantages including:

- High diversion rates for biodegradable materials
- The avoidance of the need to combust the bulk of plastic materials that are the leading sources of pollution in an energy from waste plant
- Concentrates the residual plastics (i.e. those not already subject to recycling) and makes them available for further processing

Greenstar is fully supportive of the requirement to source separate dry recyclable materials and of the further recovery of recyclables from within the "black bag" itself, prior to a process with energy recovery.

An example of this is the recent approval granted to Greenstar by the US Food and Drug Administration to manufacture a food-grade plastic from mixed wastes. Large users of plastics such as Coca-Cola are now insisting on 10% recycled plastics in their plastic drinks containers. The proposed variation by the EPA may prevent this type of cascading and recovery of materials and result in the incineration of perfectly useful resources.

Non-incineration energy technologies such as Anaerobic Digestion can rely on a mechanical processing step which, if the proposed new incineration pre-treatment rules are adopted, will become of lesser importance in Ireland's future integrated waste management infrastructure.

3.4 Prematurity in the Context of the DOEHLG International Policy Review

At the very least this significant policy altering move is premature in the context of the ongoing International Review of Waste Policy initiated by the DOEHLG within the past 3 months and any future Government policy changes aimed at enhancing recycling and energy recovery which may subsequently issue.

3.5 Non-availability of Supporting Reference Documents

It was stated at the EPA/ IWMA consultation meeting of 8th October that the justification for the proposed major relaxation of incineration pre-treatment requirements was to be found in an Agency commissioned report 'Critical Analysis of

the Potential of Mechanical Biological Treatment for Irish Waste Management'. We understand from the Authors that this report remains unpublished and is not yet open to peer review or other consideration. It is difficult to see how the Agency could possibly legally rely on such a report.

Neither is it possible for us to comment on the applicability of the research findings to non-incineration technologies the development of which may yet outpace the delivery of incinerators in most of the Country's waste regions. The non-availability of this report to consultees makes full consultation on this aspect of the document impossible and renders premature any decision which might be made.

4.0 Manufacture of Solid Recovered Fuel – SRF

4.1 The requirement for SRF

The proposed new landfill pre-treatment rules contain an anomalous immediate requirement for the manufacture of SRF from waste 'in large Urban Areas' as a diversion obligation prior to landfill. It is curious that the demand for SRF diversion pre-landfill is not accompanied by a requirement for SRF production pre-incineration.

4.2 The need for SRF Standards and Guidance

There is very little SRF under production in Ireland and any made at present is exported. Investment in quality SRF production in the absence of Agency guidance and protocols around its longer-term use is extremely risky and potentially unbankable. The retrospective application of this requirement in the manner proposed would be flawed and unworkable.

4.3 Unfair Market Advantage to Certain Facilities

The imposition of an immediate SRF diversion obligation (backdated to 2001) would present an unfair market advantage to Indaver's Carranstown facility at present under construction and to the two operators of the country's limited cement kiln capacity. It would also drive surplus SRF towards less appropriate export routes in conflict with self-sufficiency objectives.

4.4 The Exclusion of Alternatives to SRF

The production of an SRF should be treated as one possible future by-product of a higher-order recovery activity, not an end product in itself. We believe that SRF should not be identified as the single required method of diversion. Alternative products can also be produced from the same arisings resulting in appropriate diversion from landfills.

5.0 Devolution of Member State Obligations

5.1 EU Landfill Directive Targets

The 2001 EU Landfill Directive obliges Member States to achieve targeted percentage diversion of biodegradable waste from landfills. The target years for Ireland are 2010, 2013 and 2016 and the obligation for delivering the infrastructure required to meet the targets and the liability for any economic penalty which may arise due to the non delivery of targeted diversion rates resides with the State, not with individual operators.

5.2 The Role of Regional Waste Management Plans in Delivering Recycling Targets

Since the mid '90s Ireland has put in place a comprehensive policy and waste planning framework which aims to support the development of a sustainable modern national integrated waste management infrastructure capable of meeting all relevant EU standards and targets.

With regard to the development of mechanical and dry recycling infrastructure this waste policy framework, as applied through the Regional Waste Management Plans, has been a success. The requirements set out in the plans provided a planning template upon which the licensing, planning and collection permitting authorities sanctioned the development of sufficient waste recycling infrastructure to deliver prematurely Ireland's national recycling targets. Ireland is now one of the leading recyclers in Europe. This progress was in no small way encouraged by the presence of the REPAK recycling subsidies for packaging waste which provided an economic basis for the high cost of the collection of many of these segregated waste streams and their processing in the absence of stable and local end markets.

The Waste Plans, coupled with the appropriate fiscal instrument, provided the necessary backdrop for the Irish waste industry to deliver and exceed the national recycling objectives without any need for the alteration by the EPA of waste licences to force licensees of waste disposal facilities not to accept such recyclable waste streams.

The 'missing link' which has stalled the development of the national bio-waste treatment capacity also proposed in the Waste Plans and the National Biodegradable Waste Strategy, is not EPA intervention but the lack of an appropriate economic incentive (like the subsidies paid out through the REPAK system) to encourage the production of compost and stabilised biowaste.

5.3 Devolution of Member State Obligations and EU Penalties

The current proposal, as noted in the meeting of 8th October, to devolve full responsibility for the State's BMW diversion targets to the small number of waste operators who also operate landfills will not in itself provide the necessary economic incentive to the wider waste industry for the investment in such infrastructure and represents wholly inequitable and inappropriate distribution of this national legal obligation. The comment also made in that meeting to the effect that any future waste

finances levied on the Government may be applied to landfill operators represents a legally flawed concept.

Contrary to the opinion initially put forward by Agency Officials at the IWMA consultation meeting, there is no evidence that sufficient bio-treatment capacity will be available by 2010 to treat the entire collected portion from the national roll out of a '3rd Bin for biowaste' or to meet the targets through any other method.

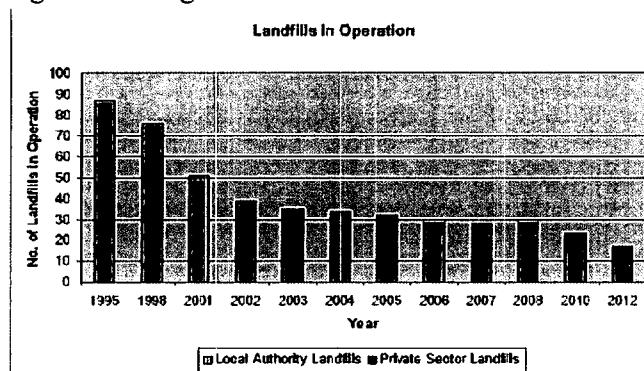
5.4 Declining Numbers of Landfills

Fig 1 below, based on information provided in Waste Plans and Waste Licence Annual Environmental Reports, demonstrates the small number of individual waste operators on which it is proposed to place the obligation of driving the national biodegradable waste strategy.

By 2012 it is projected that a total of 9 local authority operated landfills and 8 private sector landfills will be in operation. The local authorities, it must be remembered, have a primary responsibility to arrange for the management of household waste within their functional area. It is not uncommon even now (in times of capacity constraint or cell construction delays) for local authorities to close their landfill gates to waste other than their minimum household waste obligation, assuming that the rest of the market will manage the excess.

In a situation where individual facilities would be prosecuted for accepting higher than the targeted allowable unstabilised biowaste in a given year, it is not unreasonable to believe that some if not all local authorities may choose to manage this obligation by curtailing their intake. Indeed to comply with such Waste Licence conditions it is foreseeable that both local authorities and private operators would curtail their intake which, against a 2010 backdrop of no incineration facilities and insufficient biological waste treatment capacity could result in a national waste crisis as there would be not be an alternative licensed treatment option available.

Fig 1 Declining Numbers of Landfills



6.0 Determination of Best Available Techniques (BAT)

Penalising the two or three private operators of the remaining operating landfills for accepting the proportion of the national biowaste stream which has no other environmentally suitable outlet is not equitable and would not represent Best Available Techniques (BAT) for controlling landfill emissions or the Best Practicable Environmental Option (BPEO) particularly when the alternative to delivering the waste to an engineered Landfill Directive compliant facility could be illegal dumping or unregulated or inappropriate exports.

We note that it is the intention of the Agency to apply the final guidance note as part of BAT guidance for waste treatment and as such it will be used in meeting the Agency's legal obligations under the Waste Management Act with respect to the application of BAT to waste licences.

The Agency confirms in this document that "*the essence of BAT is that the selection of techniques to protect the environment should achieve an appropriate balance between realising environmental benefits and the costs incurred by the person carrying out the activity.*"

Transferring the national risk of prosecution and penalty and related costs to a small number of waste licensees is not an appropriate balance and does not represent BAT. Such a measure does not guarantee the provision of appropriate biological treatment capacity by our competitors in the waste industry who currently collect BMW and rely on the landfills of others for its disposal and to which this penalty would not apply.

7.0 Obligation to Treat Waste

It is understood and accepted by landfill operators that there is an obligation within the Landfill Directive for all landfills which commenced operation since 16th July 2001 to accept only treated waste and for earlier landfills to do so by July 2009.

7.1 Separate to Member State Obligation to divert BMW

However, this licensee obligation is a separate obligation to the Member State's responsibility to divert biodegradable waste from landfill. The obligation for ensuring the acceptance of treated waste applies within the landfill boundary while the extent of available treatment options is a waste management planning function which is external to the facility operations.

7.2 Differs from the Approach taken in Other Member States

In all Member States thus far the responsibility for providing the policy and planning framework which will lead to the effective discharge of the 2010 target obligations lies with emanations of the State, not with a small segment of waste licensees as is proposed here. In no other Member State has the responsibility been purportedly

delegated by the State through the broadening of individual licensee waste treatment obligations to encompass the national biodegradable waste targets.

For example the Scottish EPA (SEPA) as recently as May 2006 published a guidance note entitled 'Prior Treatment of Waste for Landfill'.

(http://www.sepa.org.uk/pdf/guidance/landfill_directive/Pretreatment_guidance.pdf.) The Guidance note confirms the use of the Landfill Directive definition of Waste Treatment:

"Treatment means physical, thermal, chemical or biological processes (including sorting) that change the characteristics of waste in order to reduce its volume or hazardous nature, facilitate its handling or enhance recovery."

The document does not attempt to link specific national UK biodegradable waste diversion targets with individual waste licence conditions but rather concludes the following:

"Many waste streams are subject to some form of treatment during the normal procedures of production, collection and transport. It is therefore not anticipated that significant changes to the existing practices will be necessary."

The Environment Agency for England and Wales most recently updated its guidance on waste treatment in October 2007.

(http://www.environment-agency.gov.uk/commondata/acrobat/fag_v3_oct_07_1899623.pdf)

This document outlines the following "three point test" for waste treatment:

1. *There must be a physical, thermal, chemical or biological process (sorting is explicitly included)*
2. *This must change the characteristics of the waste*
3. *This must do so in order to either:*
 - *Reduce its volume*
 - *Reduce its hazardous nature*
 - *Facilitate its handling, or*
 - *Enhance its recovery.*

The EA guidance goes on to confirm the following:

Compliance therefore usually means reducing the volume of waste or increasing the amount recovered. Most treatments will result in some wastes being diverted from landfill."

There is no attempt made by the EA to 'develop' the treatment definition applied to individual landfills to encompass responsibility for national Member State biowaste treatment targets. The approach to the treatment obligation is broad, pragmatic and achieves the appropriate balance between realising environmental benefits and the costs incurred by the person carrying out the activity that is understood to be the essence of BAT.

7.3 Compliance with existing pre-treatment requirements

In the absence of any specific guidance on waste treatment from the EPA, Greenstar and other landfill operators in Ireland continue to comply with the Landfill Directive pre-treatment requirement through the application of international best practice guidance documentation published by the EA and SEPA to existing EPA waste licence conditions.

7.4 Legal Context

An argument was put forward by Agency officials at the meeting of 8th October that the altering of waste licences in this proposed manner is a legal obligation to meet waste treatment obligations set in the EU Landfill Directive. It is Greenstar's view that the Agency is mistaken in its belief that the individual landfill waste licensee's treatment of waste obligation as set in the landfill directive was ever meant to incorporate the entire national obligation for the diversion of biodegradable waste as is proposed here. If the Agency was to be correct in this approach then it would render useless a decade of regional waste planning for biodegradable waste treatment capacity. This approach also raises legal issues of *vires*, constitutionality and competition.

8.0 Restrictions on Organic Waste to Landfill

In Member States where restrictions have been placed on the organic content of waste presented for landfilling (e.g. Germany and Austria) this has been done in a responsible manner against a background of adequate existing national incineration and MBT capacity.

In these cases Member States could rely on *Council Decision 2003/33/EC Criteria and Procedures for the Acceptance of Waste at Landfills* to set country specific Total Organic Carbon (TOC) restrictions which are not incorporated within the definition of landfill pre-treatment as is proposed here but which are reflective of the chemistry of post incineration and post MBT wastes.

These measures were designed to encourage the routing of municipal wastes through such existing higher order facilities (BPEO and BAT) rather than as a policy tool to force the development of facilities that don't yet exist as is the proposal for Ireland in the EPA document under consultation.

9.0 Incentives for Biowaste Treatment

As discussed earlier, the 'missing link' between the planned capacity for biowaste treatment and the delivery of same is bound up in the economics of treating against a backdrop of high treatment costs and uncertain end use markets. Placing a restriction on the acceptance of such wastes at individual landfills in the absence of alternative treatment routes provides the unacceptable environmental risk associated with illegal

dumping or the certainty of imbalanced penalties and prosecution of licensed operators.

What is needed is a fiscal incentive for the manufacture of compost or stabilised biowaste. This could be effected through a per-tonnage payment for the product (as in the case of REPAK) funded from the Environment Fund/ Landfill Levies. Alternatively Capital Grants could be awarded from the same fund. The option of introducing a multi-tiered disposal facility levy to encourage biowaste treatment in preference to incineration or landfill has already been proposed by DOEHLG and some reforms in this area are understood to be currently under development.

What is certain is that without appropriate financial instruments it will not be possible to develop and sustain a national network of bio-treatment plants. This point was accepted by the Agency officials at the Meeting of 8th October and in that context they recommended that the Department of Environment, Heritage and Local Government be copied on consultation submissions.

10.0 Biowaste Stabilisation Standards

The role of the EPA in providing standards, guidance and protocols around the composting and stabilisation of BMW is essential in the provision of a transparent regulatory platform on which local authorities and waste management companies can base their designs and planning strategies for the necessary treatment infrastructure. In this context the Agency's confirmation in this document of a Biowaste Stabilisation Standard and the commitment of the Agency towards the future development of enforcement and testing protocols is welcomed and we look forward to engaging further with the Agency as these evolve.

11.0 Enforcement

The significant policy changes proposed here in times of economic decline coupled with the risky nature of forcing policy change from the bottom up rather than from the top down would have to be accompanied by a significant review of Agency enforcement capacity. It would be imperative that existing Agency and Government guidance in relation to illegal dumping of waste is followed to the letter. The recent remediation of the Blessington Illegal Dump was an example of the full application of the 2005 Ministerial Direction under Section 60 of the Waste Management Act, as was the licensing of the Whitestown Dump.

Any future move to restrict waste streams into engineered Landfill Directive-compliant landfills would have to be underpinned by the availability of adequate alternative capacity and accompanied by Agency commitment to adopt a the zero tolerance approach of the 2005 Ministerial Direction with a further commitment to the application of adequate resources to the policing of illegal activity.

12.0 Consultation Period

While Greenstar welcomes the opportunity to engage with the Agency on this important matter, we also agree with the IWMA that the three week consultation period allocated for this process (albeit with the 'couple of days' extension granted at

the IWMA consultation meeting) is utterly inadequate, particularly given the non-availability to consultees of a number of reference documents used to support the Agency's proposals in this important BAT guidance proposal. These include the key reference document, 'Critical Analysis of the Potential of Mechanical Biological Treatment for Irish Waste Management' and other 'New Zealand' research mentioned in a non-specific manner during the IWMA consultation meeting. We urge you to provide these documents as part of this consultation process and to extend the consultation period to an appropriate length.

13.0 Conclusion

Greenstar welcomes the opportunity to consult with the Agency on this important matter and would be pleased to continue this consultation further when the reference documents relied upon in this proposal are published and available for public comment and critique.

For the reasons outlined above, based on the information available to us within this limited consultation period, we urge you not to make this decision at this point in time as to do so would in our view be legally flawed and premature.

We are available at your request to discuss any of the issues raised above. Please refer any queries to Margaret Heavey, Greenstar, Fassaroe, Bray Co. Wicklow or at the email address margaret.heavey@greenstar.ie.

For inspection purposes only
Consent of copyright owner required for any other use