

Climate Change and the Environment A New Reality

Soil and stone as a by-product (...and a note on end-of-waste)

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25 April 2018



An Roinn Tithíochta, Pleanála,
Pobail agus Rialtais Áitiúil
Department of Housing, Planning,
Community and Local Government

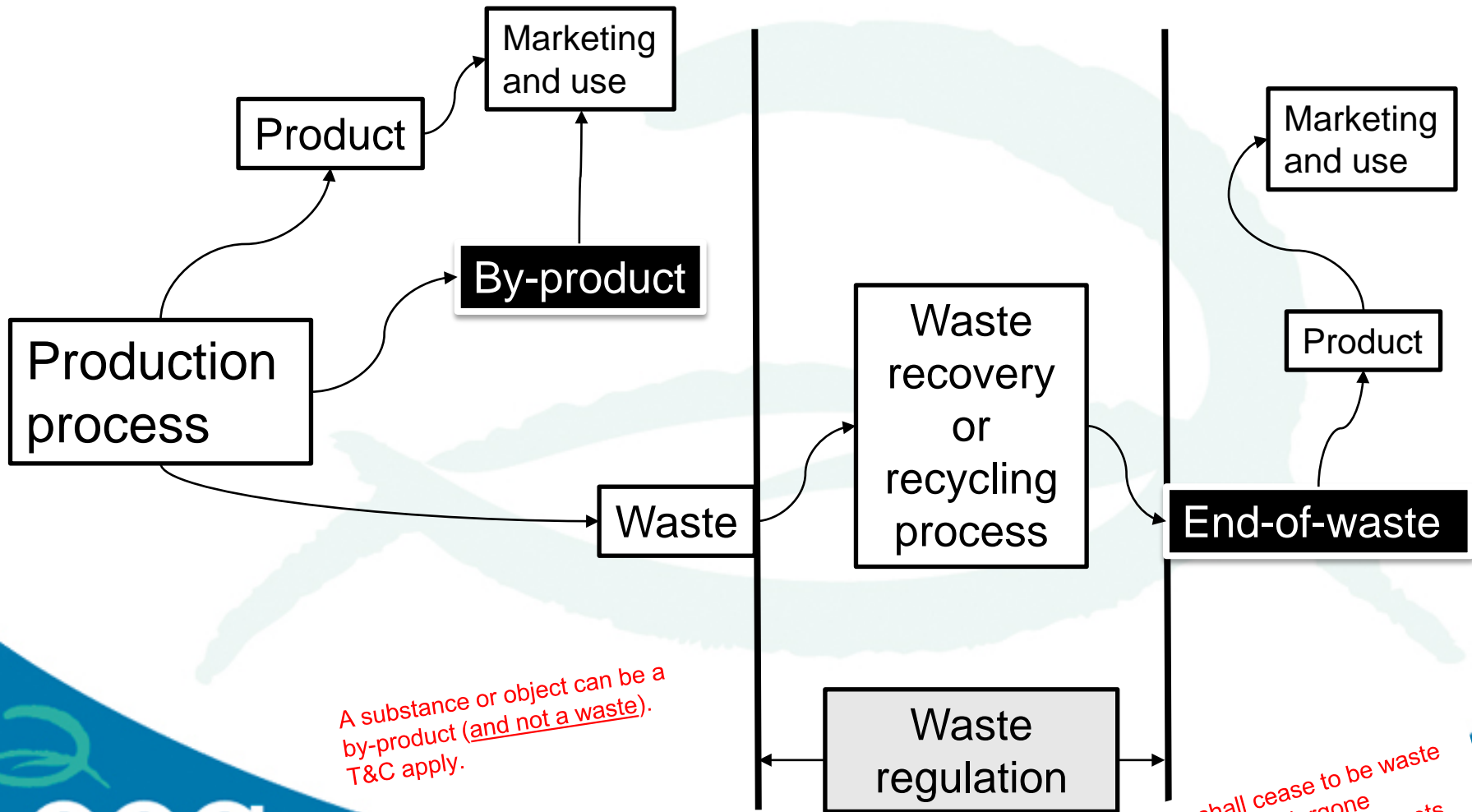


Roinn Cumarsáide, Gníomhaithe
ar son na hAeráide & Comhshaoil
Department of Communications,
Climate Action & Environment

Legislation

- Waste Framework Directive 2008/98/EU
 - Article 5 By products
 - Article 6 End of waste
- European Communities (Waste Directive) Regulations 2011
 - Article 27 By-products
 - Article 28 End of waste

Concepts: by-product and end-of-waste?



A substance or object can be a by-product (and not a waste). T&C apply.

Waste shall cease to be waste when it has undergone recovery/recycling and meets certain conditions.

Soil and stone notified as by-product



Benefits of a by-product classification



By-product soil and stone: The process

An economic operator decides that their material is a by-product

- The producer notifies this decision to the EPA using the article 27 on-line form
- EPA puts the notification on a register @epa.ie

The EO is entitled to implement their decision immediately

- For soil and stone notifications, EPA cautions against doing this

EPA scrutinises the EO's decision

- Accept: Carry on
- Reject: The soil and stone is a waste
 - (What if it's already been deposited?)

By-product soil and stone: The process

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By-product soil and stone: The need for clarity

Guidance published
November 2017

To compliment and update
the 2013 guidance

www.epa.ie

- The principles
- Evidence needed

EPA guidance on classification and notification of soil and stone as a by-product

Version 2, 24.11.2017



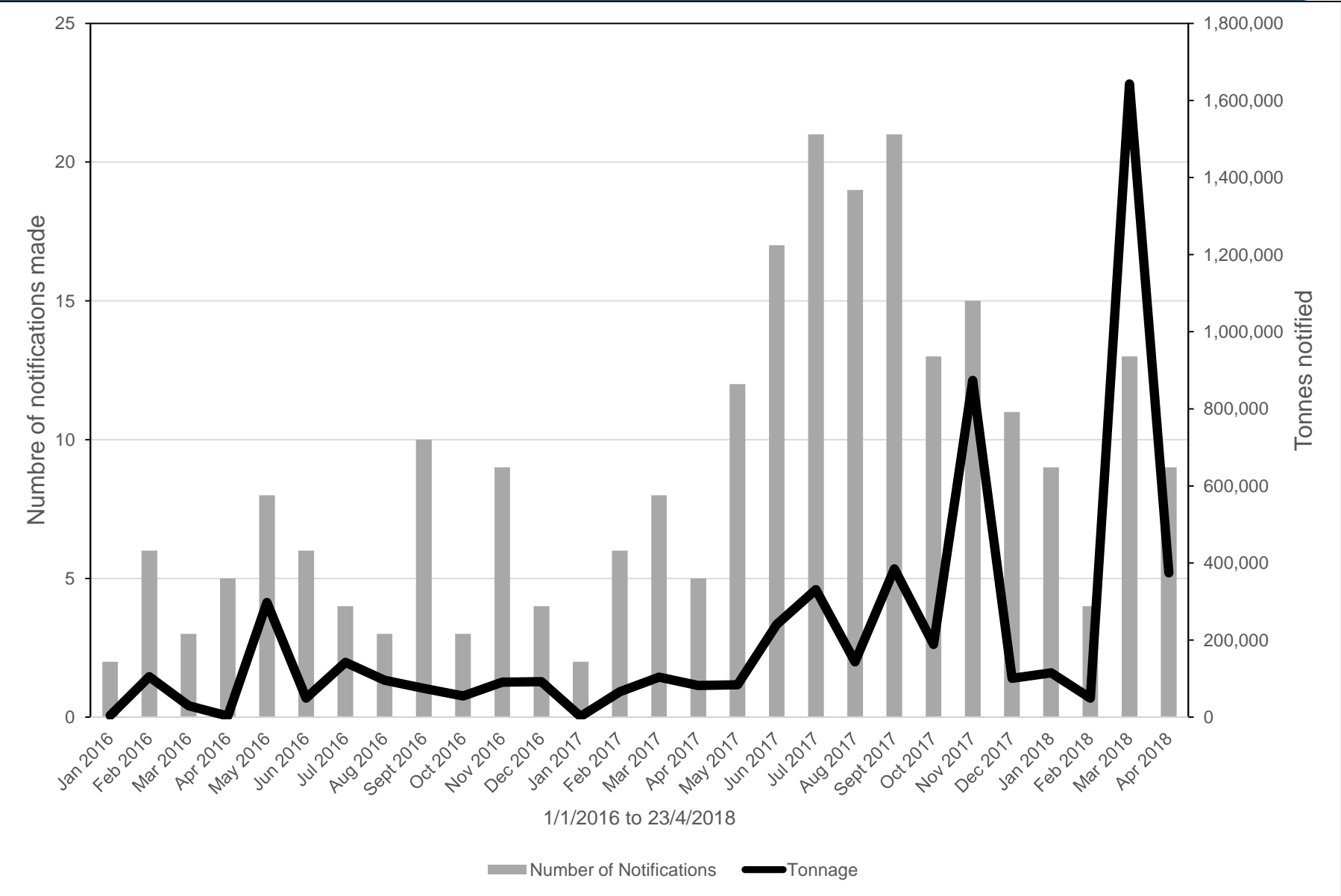
Environmental Protection Agency

Guidance
on
classification and notification of soil and stone as a by-product
in the context of
article 27
of the
European Communities (Waste Directive) Regulations 2011

24 November 2017

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Notifications for soil and stone – no. made and tonnage



A note on end-of-waste: What we're working on

What we're working on

Recycled aggregates and road planings

- we await environmental risk assessments

Recycled LDPE

Comparing notes with other member states

- a lot of uncertainty there

<u>Future:</u>	<u>Possibles:</u>
Ash	Recycled tyres ECHA, USEPA, Repak ELT
Other plastic	Fluorescent lamps
Syngas	Spare parts from ELVs
Chemical waste	Soil and stone

To summarise

- A by-product is not a waste
- Soil and stone can be a by-product of an excavation process
 - but subject to environmentally protective criteria
- A waste can cease being a waste
 - subject to environmentally protective end-of-waste criteria
- Take away:
 - Waste status should remain if regulatory controls under waste legislation are needed to protect the environment and human health.
 - Deciding if controls are needed can be difficult and can only be based on evidence

