

WASTE ACCEPTANCE CRITERIA AND DEVELOPMENT OF SOIL TRIGGER VALUES FOR EPA-LICENSED SOIL RECOVERY FACILITIES



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EPA Licensed Soil Recovery Facilities

- Third Schedule of the Waste Management (Facility Permit and Registration) Regulations 2007 (S.I. No. 821 of 2007) as amended.
- Applies to soil & stone recovery facilities >100,000 tonnes/annum
- Typically LoW:
 - 17 05 04 Soil and stones other than those mentioned in 17 05 03
 - 17 05 06 Dredging Spoil
 - 20 02 02 Soil and stones

What type of facility

- Soil & Stone Recovery Facility
- Not a landfill
 - No requirement for basal liner
 - No requirement for cap
 - Not covered by Landfill Directive
 - or any requirements that stem from it
 - Not covered by 2003/33/EC or “Landfill WAC”
 - Presumes the protections of a landfill infrastructure hence the risks the materials pose are mitigated

[2003/33/EC](#)

Article 1

This Decision establishes the criteria and procedures for the acceptance of waste at landfills in accordance with the principles set out in Directive 1999/31/EC and in particular Annex II thereto.

Article 2

Member States shall apply the procedure as set out in section 1 of the Annex to this Decision to determine the acceptability of waste at landfills.

Soil Recovery Facility Licences

- Typically backfill of quarries
- 12 Facilities Licensed (15 Soil Recovery Licenses issued, 3 revised licences)

Licensed Waste Activities

Licensed Waste Recovery Activities, in accordance with the Fourth Schedule of the Waste Management Act 1996 as amended

Class R 5 (P).	Recycling/reclamation of other inorganic materials, which includes soil cleaning resulting in recovery of the soil and recycling of inorganic construction materials.
Class R 13.	Storage of waste pending any of the operations numbered R 1 to R 12 (excluding temporary storage (being preliminary storage according to the definition of 'collection' in section 5(1)), pending collection, on the site where the waste is produced).

Waste Acceptance for Licensed Soil Recovery Facilities

■ Greenfield

- Letter of suitability* for first 5,000 Tonnesrepeat for each 5,000 tonnes
- Characterise soil & stone in a manner agreeable to the Agency

■ Non-Greenfield

- Propose Maximum Concentration and/or trigger levels
- Tested according to protocols agreed by the Agency

8.4 Greenfield soil and stone

- 8.4.1 Prior to the acceptance of greenfield soil and stone from any individual source site, the licensee shall obtain a letter of suitability for the first 5,000 tonnes of the material obtained from that source.
- 8.4.2 The licensee shall obtain a further letter of suitability for each subsequent 5,000 tonnes of material obtained from that source.
- 8.4.3 The licensee shall, if directed by the Agency, carry out basic characterisation of greenfield soil and stone from any individual source site. The basic characterisation shall be carried out in a manner agreeable to the Agency.

8.5 Non-greenfield soil and stone

- 8.5.1 The licensee shall, in a manner and format agreeable to the Agency, propose maximum concentrations and/or trigger levels for relevant contaminants in non-greenfield soil and stone proposed for acceptance and backfill at the facility. Non-compliant materials shall be dealt with in accordance with condition 8.13.8 of this licence.
- 8.5.2 Non-greenfield soil and stone shall be tested according to protocols agreed by the Agency. Sampling and testing shall be carried out by independent institutions with proven experience in waste testing and analysis.

Maximum Concentrations/Trigger Levels

- The licensee is required to propose a suitable method for agreement.....not the Agency's role to set the criteria
- 2003/33/EC is not directly applicable and has not been agreed to
 - But it has been proposed multiple times
 - Is the benchmark many sites are using
- Proposals for Maximum Concentrations/Trigger Levels have not been agreed to date
- Need for guidance

Draft Guidance

- **Draft Guidance Note on Soil Recovery Waste Acceptance Criteria ([link](#)) in December 2017**
 - **Proposed methods and limits to be considered by licensees when proposing acceptance criteria to the Agency**
 - **Consultation late-2017 to 16th March (extended by request)**
 - **Applicability to permitted sites**
 - **Local Authorities can set limits themselves as appropriate**
 - **EPA Guidance not drafted for Local Authority purpose however.....**

Responses to date

- In the order of 20 detailed responses
- Numerous concerns expressed:
 - Should apply to all soil recovery facilities...not just licensed sites
 - Continue use of 2003/33/EC
 - Metals:
 - Levels of metals in some natural soils/subsoil are set too low (As, Ni, Cd)
 - Metals should be on leachable levels not total metal content
 - Levels of organic contaminants are set too low
 - Consider WAC based on Site Specific Risk Assessments
 - Qualifications of suitably qualified person
 - System too heavy handed for small volumes of material
 - Specify testing requirements

Next Steps

- Detailed assessment of consultation submissions
- Resolve issues with baseline values for metals in soils
 - Teagasc Soil Geochemical Atlas([link](#))
 - TELLUS Programme Geological Survey of Ireland (Soil & Subsoil) ([link](#))
- Consider the scope of the document
- Timeframe