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To The Department Of
Environment, Climate
And Communications.

WERLA

WASTE ENFORCEMENT
REGIONAL LEAD AUTHORITIES





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Introduction from the WERLAs

The three Waste Enforcement Regional Lead Authorities (WERLAs) were established in 2015 and represent their constituent local authorities in waste management regions as set out in the Regional Waste Management Plans 2015 to 2021. Their roles include coordinating the waste enforcement activities of their constituent local authorities, setting waste enforcement priorities and common objectives and ensuring consistency of waste enforcement activities.

Subsequently an enhanced WERLA role has been approved, and in 2023 the WERLAs coordinated the signing of a Service Level Agreement (SLA) between the WERLAs and their constituent local authorities. The role of the enhanced WERLAs includes the addition of taking on particular waste enforcement cases of regional or national significance, along with the enforcement of the household kerbside collection sector in conjunction with the local authorities.

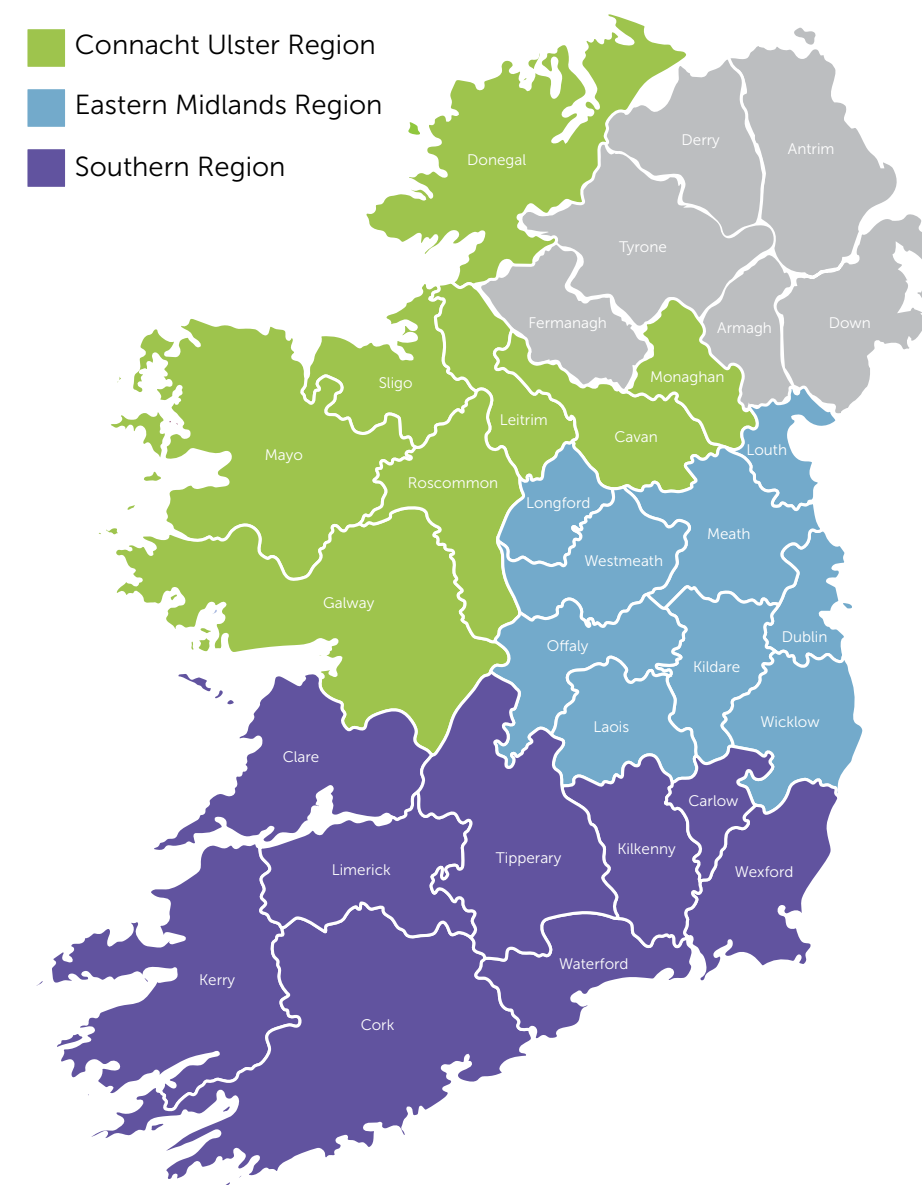
Additionally, the WERLAs are tasked to engage on issues of national importance with regards to waste enforcement in Ireland, such as:

- Management of the Anti-Dumping Initiative Funding for DECC.
- Providing submissions to the national government in their development of waste policy and legislation, where required.

The WERLAs mission statement is

“To protect and improve our high-quality natural environment by ensuring waste activities in Ireland are monitored and waste legislation is enforced, in a consistent, coordinated, and efficient manner in accordance with European Union (EU) and national legislation and policy through a process of continuous improvements.”

This report outlines the waste enforcement activities undertaken by the WERLAs in 2023 and looks at their achievements under the National Waste Enforcement Priorities.



Connacht-Ulster Region

Local Authorities: Cavan, Donegal, Galway City, Galway County, Leitrim, Mayo, Monaghan, Roscommon, Sligo.

Eastern-Midlands Region

Local Authorities: Dublin City, Dun-Laoghaire, Fingal, Kildare, Laois, Longford, Louth, Meath, Offaly, South-Dublin, Westmeath, Wicklow.

Southern Region

Local Authorities: Carlow, Clare, Cork City, Cork County, Kerry, Kilkenny, Limerick, Tipperary, Waterford, Wexford.



Governance and Stakeholder Engagement

The overall focus of the WERLA's organisational structure in 2023 was to deliver the enhanced WERLA that had been envisaged in The Business Case for Waste Enforcement Regional Lead Authorities Model in 2018.

The enhanced WERLA organisation needed the support of its own governance structure, which envisaged the establishment of the WERLA Management Group consisting of Directors of Service of each lead local authority, the WERLA Coordinators and the Local Authority Waste Programme Coordinator (LGMA).

The WERLAs are directly reportable to the City and County Managers Association (CCMA). In addition, the WERLAs are active members of the National Waste Economy Steering Committee (NWESC), which is chaired jointly by the DECC and the EPA. The NWESC includes representatives from a wide range of regulatory authorities including the WERLAs, EPA, An Garda Síochána, National Trans-frontier Shipment Office (NTFSO), National Waste Collection Permit Office (NWCPO), Department of Social Protection, Regional Waste Management Planning Offices, Office of Revenue Commissioners, CCMA and the Local Authority Waste Programme Co-Ordinator (LAWPC).

Additionally the WERLAs communicate with our constituent local authorities through regional governance structures, such as the Joint Steering Committee, Joint Operational Groups, and in the case of the Connacht Ulster (CU) WERLA, the Waste Enforcement Officers meetings.

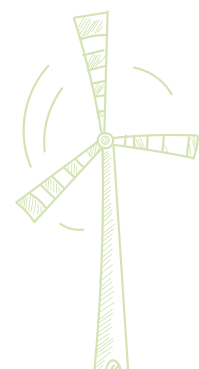
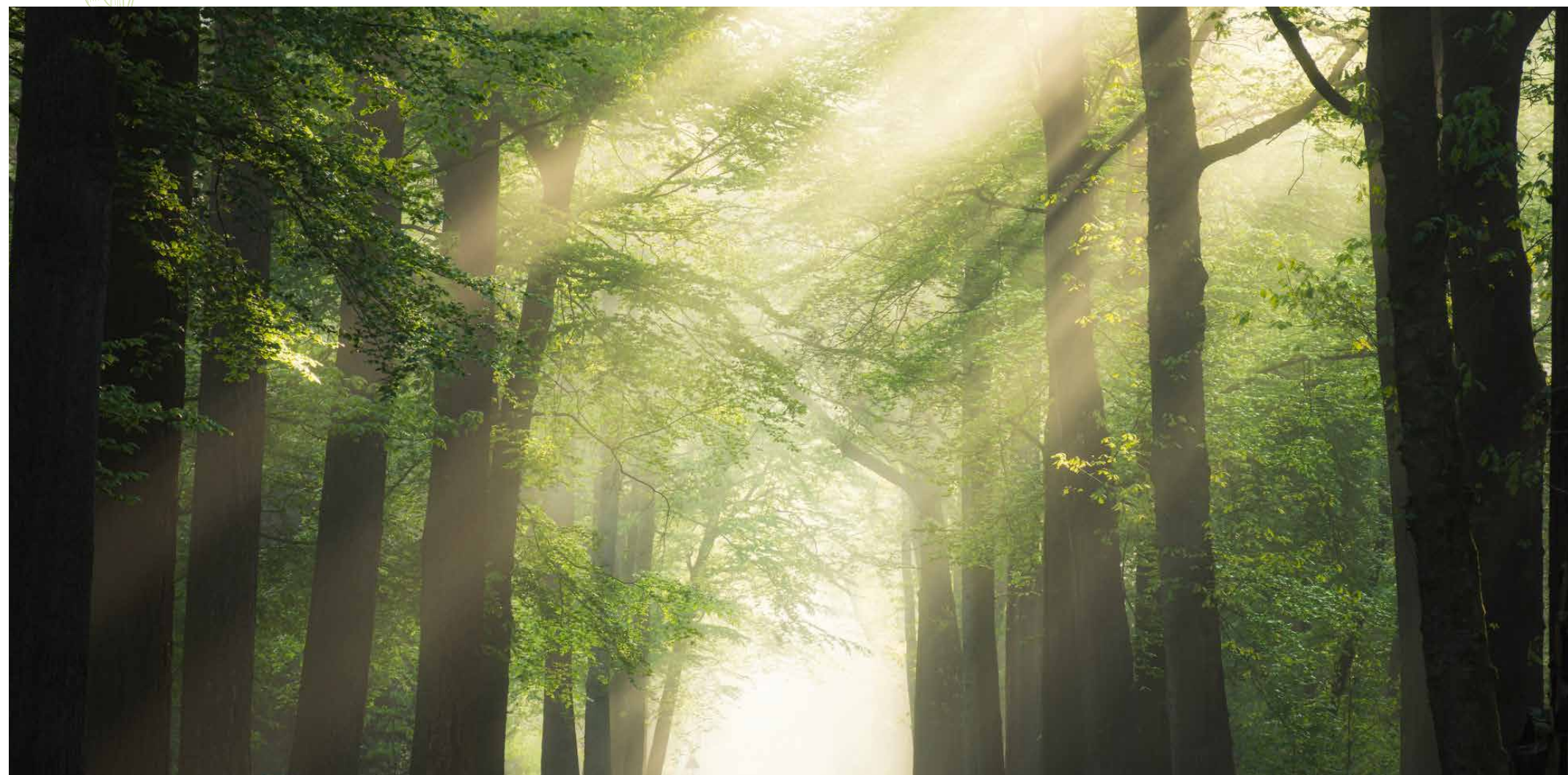
International cooperation and alignment are very important when it comes to enforcement of EU environmental law. To improve the collaboration and alignment of enforcement, the WERLAs have developed structural and personal contacts with European networks where they can strengthen their network, exchange experiences and best practices, discuss ongoing cases and align their enforcement activities together. Emerging regulatory risks are identified by ongoing liaison and participation with international regulatory networks such as EU Network for the Implementation and Enforcement of Environmental Law (IMPEL), Network of Police Officers focused on tackling environmental crime (EnviCrimeNet), European Network of Prosecutors for the Environment (ENPE) & European Union Forum of Judges for the Environment (EUFJE).

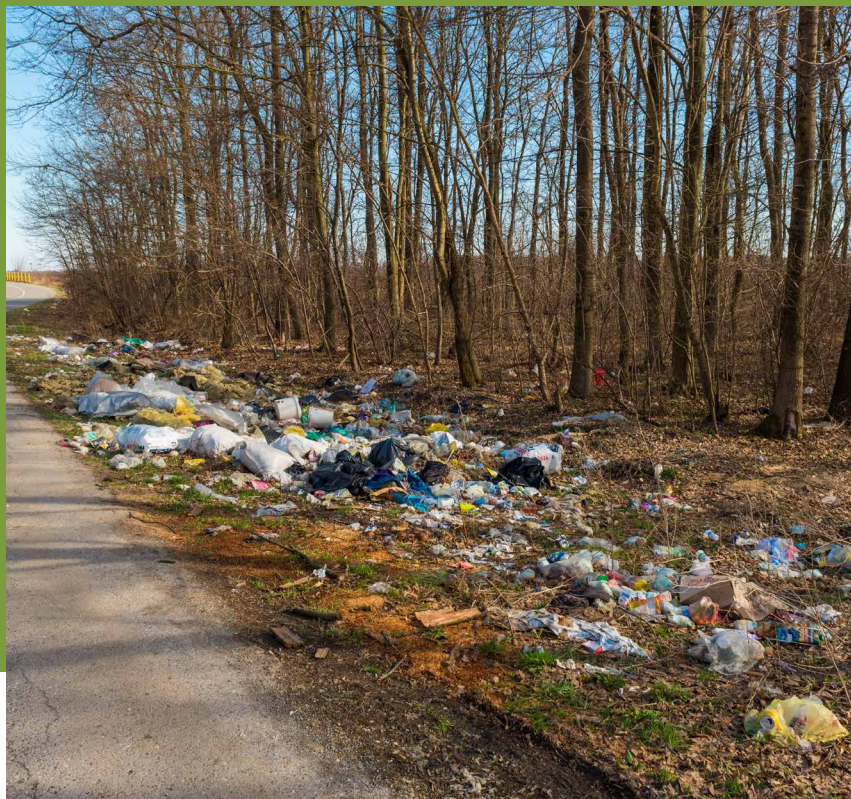


National Waste Enforcement Priorities 2023

Tackling Significant Illegal Waste Activity

This enforcement priority deals with the detection and cessation of unauthorised waste collection and dumping activities, and the remediation of waste-polluted sites. One of the cornerstones of this work is the availability of good information and intelligence, to be able to detect unauthorised activity in the first instance. The WERLAs are therefore very active in networking with other regulators in the waste field, and also maintaining ongoing engagement with the authorised waste community. The WERLAs continue to work closely with the Gardaí at a local and regional level through the various Multi-Agency Regional Forums that have been established by the Garda National Bureau of Criminal Investigation. The WERLAs also perform intelligence mining on the annual waste returns data received from waste collectors and permitted facilities to identify anomalies for further regulatory investigation.

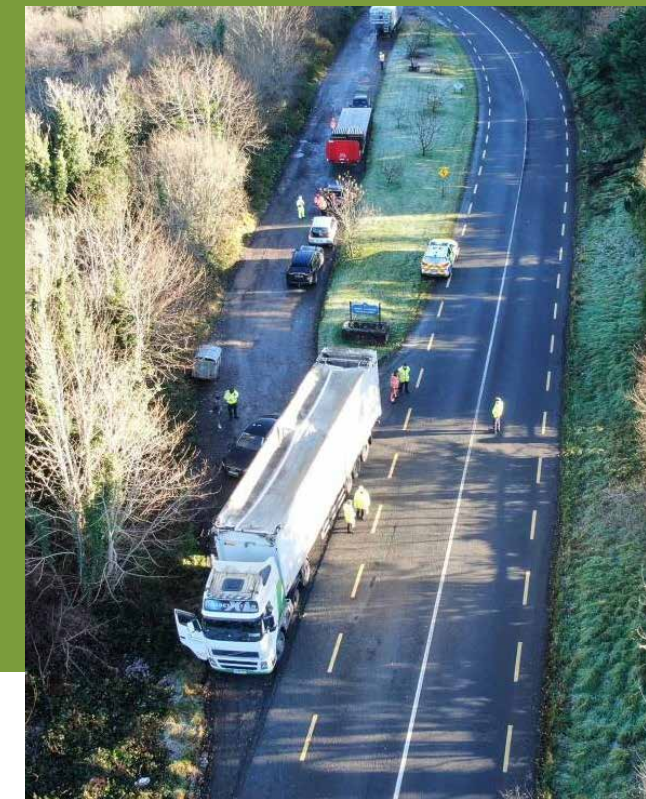




In addition to participating in various networking forums, the WERLAs are very active in participating in practical multi-agency operations. These include participation in multi-agency vehicle checkpoints, involving for example, the Gardaí, local authorities, Revenue and Customs, The Department of Social Protection and the Road Safety Authority. Multi-agency operations can also include specific targeted inspections or enforcement with particular operators of concern, and the WERLAs often participate in such operations.

In instances where significant unauthorised waste activity has been detected or is suspected, the WERLAs work with other regulatory stakeholders to investigate and/or resolve the issue. This work involves collaboration with local authorities, An Garda Síochána, the EPA, the NWCPO, the NTFSO and DECC. In particular, the WERLAs provide both practical on-the-ground assistance and technical advice to their constituent local authorities on waste enforcement matters.

The WERLAs continue to provide support to local authorities to enable them to carry out their waste enforcement functions. This includes hosting regular regional operations meetings with our constituent local authorities to communicate and share information, and providing general support through the NIECE network. Where template documents, inspection forms, guidance etc. have been developed by the WERLAs, these are made available to local authorities on the NIECE platform. Training and networking events also serve to provide support to the enforcement work being done by local authorities, and the Network for Ireland's Environmental Compliance and Enforcement (NIECE) Network, in conjunction with the WERLAs, organised a Case Studies waste workshop in 2023 for local authorities and other public authorities who are directly involved in the waste enforcement area. This workshop brought together many of the national and local waste regulatory stakeholders, including attendance by the Northern Ireland Environment Agency, and was considered to be a very beneficial networking and learning event.



Sites/Operators of Concern

Tipperary County Council had notified the DECC, through the WERLAs, of significant unauthorised waste activity on a site in North Tipperary. The site had a history of breaches of environmental legislation with successful prosecutions in court, however the activity on the site continued and Tipperary County Council sought support from DECC to seek an order in the High Court under Section 57 of the WMA. A site inspection was carried out by Tipperary County Council and WERLA in late September 2023, which confirmed that the unauthorised waste activity was continuing, and the assistance of An Garda Síochána was required. DECC have agreed to provide funding for the High Court action.

The WERLAs participated in a number of multi-agency investigation/enforcement operations in 2023.

These included the following:

- Inspection of two premises involving the Criminal Assets Bureau and the local authority;
- Inspection of an unauthorised textile handling facility involving the NTFSO and local authority;
- Inspection of an unauthorised skip handling facility in Co. Tipperary involving the local authority;
- Inspection of an unauthorised ELV handling facility in Co. Wexford involving the local authority; and
- Co-ordinating a multi-agency vehicle checkpoint operation to target illegal waste activity in north County Dublin, involving An Garda Síochána, the RSA, Fingal County Council, Dublin City Council, and the NTFSO. This event was co-ordinated by the WERLA as part of the Dublin
- Co-ordinated a multi-agency operation, to tackle illegal waste activity and monitor compliance with waste legislation, on 7th September 2023 in the Dublin Metropolitan Garda Region ([link to case study here](#)).

In 2023, the WERLAs trialled the use of open-source aerial imagery to detect potential unauthorised C&D infill activity. This led to the inspection of some soil infill locations in Co. Kerry, and the WERLAs intend to trial this approach further in the future.

Under our enhancement, the WERLAs now have a formal mechanism for taking on the lead enforcement role in dealing with a specific site/operator of concern to a local authority. Although no such formal cases were referred to the WERLAs in December 2023, the WERLAs did commence the preparation of template documents for local authorities to use in such circumstances. This area of waste enforcement will become more significant for the WERLAs in the years ahead.





Landfill Levy

The Landfill Levy Regulations (S.I. 189 of 2015, as amended) have the potential to apply to unauthorised waste activity, and can therefore be a valuable tool to dis-incentivise unauthorised waste activity from taking place. The WERLAs have in some cases supported some local authorities in the pursuit of the landfill levy. To assist local authorities further in this regard, the WERLAs procured the services of a legal firm to develop a guidance document for LAs on the landfill levy in respect of unauthorised activity in 2023.

Kilkenny County Council had previously served a notice under the landfill levy regulations in 2021 to request payment of €379,239.50 in relation to the disposal of waste at an unauthorised site. Kilkenny County Council actively pursued the payment of this levy, including the initiation of actions in the High court, and an offer of payment was made in Aug 2023.

Site remediation

Galway County Council, in conjunction with the WERLAs, organised the removal of approximately 5,000 tonnes of waste tyres from a site in East Galway in 2023. The project was fully funded by DECC through the Extended Producer Responsibility (EPR) waste stream stockpile remediation grant scheme. The risk to the environment and human health has been removed with the site remediated, and all waste tyres were consigned to a lawful place for recovery.



Construction & Demolition Activity

Construction waste is the largest waste stream in the State. According to the most recent published data (2021), the C&D sector in Ireland generates an estimated 9 million tonnes of waste, 85% of which is composed of soil and stone waste and backfilled as a final treatment operation.

The objective of the National Waste Enforcement Priority (NWE) for Construction and Demolition (C&D) Waste aims to ensure the effective and authorised management, movement and disposal of C&D waste. Given that C&D waste is the largest waste stream in the State and remains a constant NWE, the WERLAs work programme for C&D waste has continued to develop and expand over the years.

In 2023 the work programme focused on a number of different aspects of C&D waste -

Coordinated Inspections at Soil Recovery Sites (SRS)

The EPA guidance on waste acceptance criteria at licensed and authorised soil recovery facilities (January 2020) applies to all authorised soil recovery facilities. Inconsistent levels of implementation of the guidance and license conditions across EPA licensed sites was found. The EPA subsequently sought assistance from the WERLAs to coordinate multi-agency inspections at licensed and permitted soil recovery facilities to develop a consistent implementation approach. Joint EPA/WERLA/local authority inspections were undertaken across the 3 Regions in 2023.

The joint inspections highlighted the need for sectoral training with a resultant webinar hosted by the WERLAs in September with over 100 no. local authority personnel in attendance. The session was recorded and subsequently circulated to all local authorities to accommodate those not in a position to attend.

The WERLAs also conducted a national review of waste facility permits (WFP) and certificates of registration to assess whether permits issued incorporated the EPA Guidance and standard WFP permit conditions for use at permitted soil recovery facilities as developed by the RWMPO.

In addition, a template SRS inspection form was developed by WERLA and circulated to all local authorities to allow for consistency of inspection across the State.



Monitoring Construction & Demolition Waste Activities

Using the previously developed WERLA guidance, 'Cradle to Grave' inspections to monitor the movement of C&D waste from source to end destination sites continued and remains a key part of the work programme.

Construction Sites and Major Public Projects

Local authorities continued to inspect construction sites using the WERLA guidance including sites identified locally through commencement notices and sites identified on the list of major public projects compiled by the WERLAs.





Regulation 27 of the European Communities (Waste Directive) Regulations 2011 - 2020

Local authority inspections of by-product registrations, (commonly referred to as Regulation 27) including sites of origin and destination using the WERLA guidance, continued in 2023 with local authorities reporting any findings to the EPA to assist them in their determinations. Local authorities continued to investigate any notifications determined as waste and examined what follow-up actions were required.

Discussions continue between the WERLAs and EPA to determine a pathway for legacy Regulation 27 sites.

National By-Product Criteria for Greenfield Soil & Stone

In Q3 the WERLAs, along with local authorities, accompanied the EPA on Regulation 27 site inspections. The purpose of these inspections were to inform the detail of the national by-product criteria for soil and stone and included visits to both origin and destination sites with informative discussions with the economic operator, end user and local authorities.

Consequently, the EPA undertook work to develop the national-level by-product criteria for greenfield soil and stone indicating that a 4-week consultation would commence in early October with a deadline submission of November 1st. During the consultation period, the EPA hosted a webinar for the Local Government sector to allow for Q&A and further discussions. The WERLAs made a detailed submission on the national by-product criteria during this consultation phase

Consultation with the EPA

The WERLAs have engaged with the EPA in the development of national decisions through on-line meetings and formal written submissions on the following C&D waste streams:

- Regulation 28 - End of Waste Criteria for Recycled Aggregates;
- Regulation 27 - By-Product Criteria for Soil & Stone; and
- By-Product Criteria for Site-Won Asphalt

Regarding the national decision on Regulation 28 End of Waste for Recycled Aggregates, a final decision was published in October with a Q&A webinar held for the Local Government later in the quarter.

Subsequently, the WERLAs met with the EPA regarding collaborating on enforcement tools for the Local Government sector. These tools will be in the form of checklists, decision trees and an FAQ. To further develop the FAQ document, joint inspections at a number of facilities are being scheduled.

The current list of producers registered to produce recycled aggregates in accordance with EoW-N001/2023 are available through the following link:

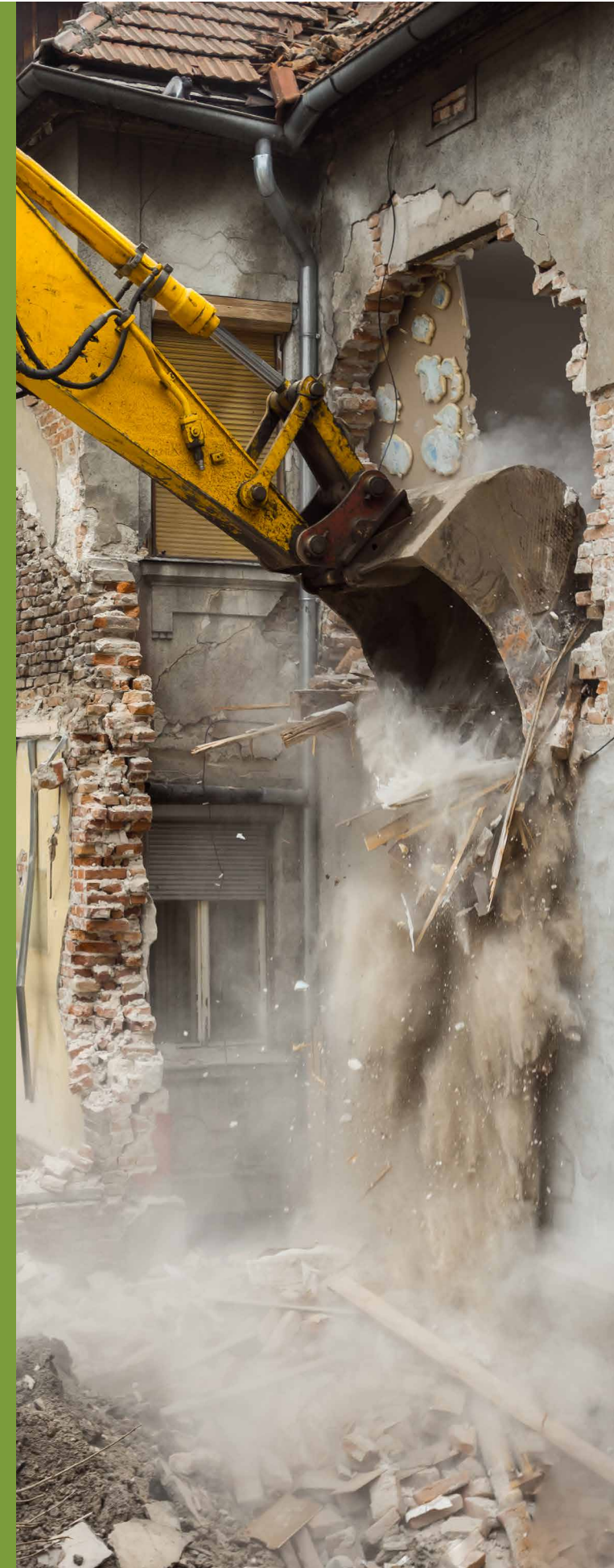
<https://circulareconomy.epa.ie/endofwaste>

The WERLAs also fed into a Local Government submission to the EPA on the National By-Product Criteria for Site-Won Asphalt Destined for Use at RAP Plants. National By-Product Criteria for Site-Won Asphalt (BP-N001/2023) became available in October 2023 and was available for immediate use.

The current list of producers registered in accordance with BP-N001/2023 are as follows:
<https://circulareconomy.epa.ie/#/>

The WERLAs engagement on National criteria for C&D waste streams, has led to the EPA drafting robust criteria which ensures that these waste streams are diverted for reuse in the circular economy.

Preventing waste and promoting reuse are integral to the circular economy. This is particularly relevant to the construction sector which handles large volumes of C&D waste on an annual basis. Successful implementation of circular economy measures, such as by-product and end of waste regulations could lead to millions of tonnes of resources beneficially reused each year



End-of Life Vehicles (ELV) Directive & the Waste Metal Industry

The objective under this National Waste Enforcement Priority 2022-2024 is to ensure that all relevant End of Life Vehicle (ELV) & Waste Metal Industry Facilities are authorised and maintain a high level of compliance for acceptance, classification, segregation, recycling, and disposal of ELVs and waste metal. In addition, unauthorised activities are closed down to ensure certainty of investment potential for the authorised industry.

In 2023, the WERLA work programme focused on the following aspects of ELVs and Waste Metal:

High Value Waste Streams at Authorised Treatment Facilities (ATFs)

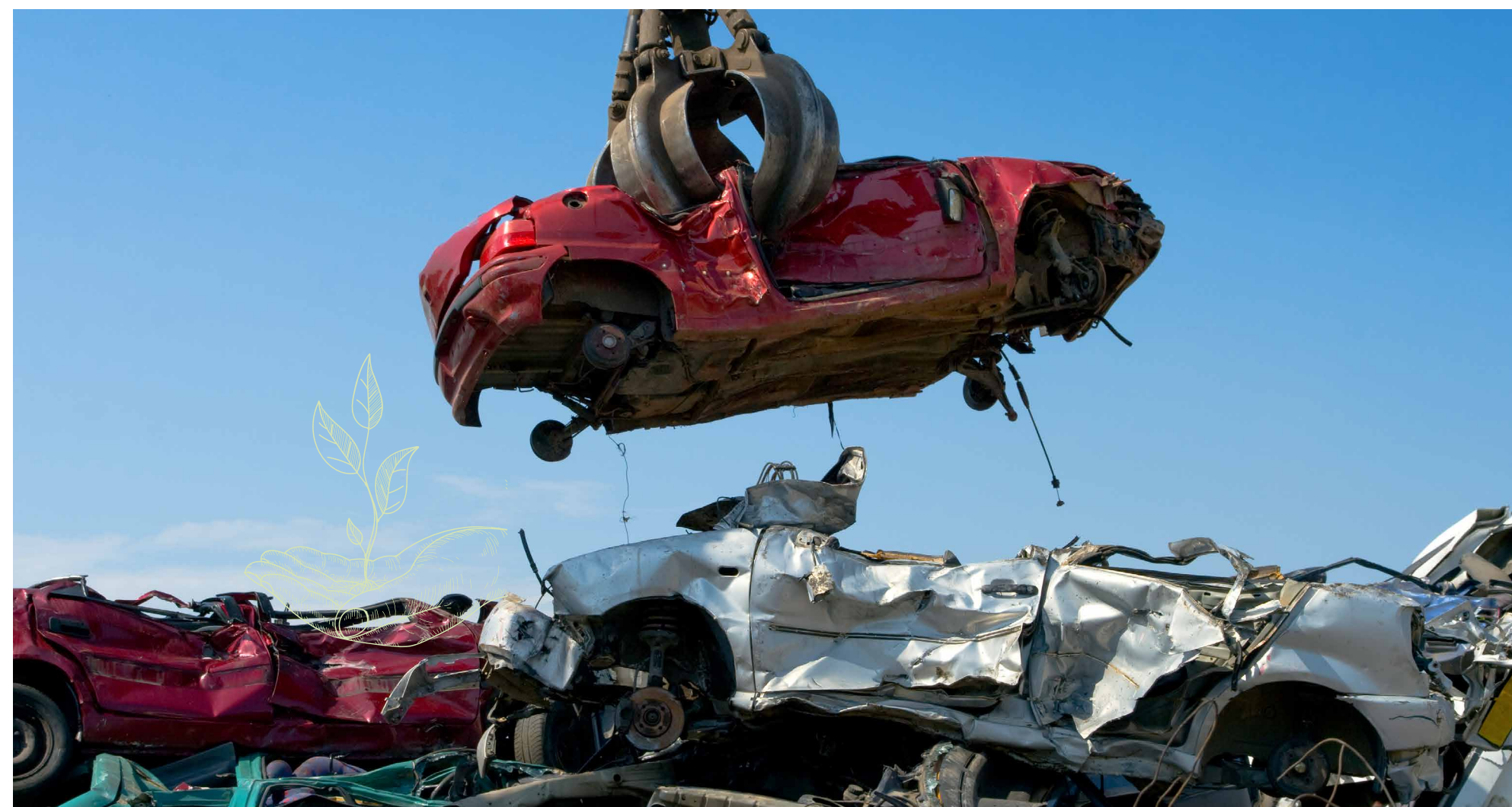
Authorised Treatment Facilities (ATFs) are waste permitted sites that are authorised by the local authority to accept and treat ELVs. The WERLAs in conjunction with the local authorities in each region have given a particular focus on high value waste streams, such as depolluted and non-depolluted ELVs, lead acid batteries, catalytic converters and high value metals, at ATFs to identify potential sources of highly profitable illegal activity. The work in this area is of particular interest to An Garda Síochána who have been involved in a number of multi-agency inspections at ATFs and waste metal facilities across the State.

Building on work undertaken in 2021, Phase 2 of the High Value Waste Streams Project commenced in 2022 allowing for additional data analysis and verification of the repeat users/operators identified. This work continued in 2023 with the continued roll-out of Phase 2 in a number of local authority areas.

ATF Scorecards

As part of the High Value Waste Stream Project, the WERLAs developed a data analytical tool (ATF Scorecard) which facilitates the rapid assessment of high value wastes, based on Certificates of Destruction (CoDs) and Annual Return (AR) data provided by ATF operators. This tool allows the identification of and performance rating of specific ATFs, which enables local authorities to carry out targeted compliance inspections. The scorecard allows each local authority to identify whether the facility:

1. Is on the EPA priority list;
2. Is a member of ELVES (End of Life Environmental Scheme – the compliance scheme for ELVs in Ireland);
3. Is included in the High Value Waste Streams Project; and
4. Has had any non-compliance actions taken against them between 2018 and 2022.



The scorecard includes graphics which show:

- The difference in quantities (tonnage) between waste in and waste out as reported by the waste facility permit holder against that information submitted by waste collection permit holders.
- A pie chart illustrating the % of waste tonnage brought in by members of the general public. This information enables a check as to whether the traceability requirements are being complied with.

The ATF Scorecard also displays the Annual Returns (AR) validation status for the given year.

This analytical tool is now the template for local authority data analysis of ATFs. It is the intention that the methodology used in the tool be provided to the NWCPO so that it can be integrated with their AR portal. An explanatory document on how to interpret and probe the data will also be available on the portal.

Meeting with Department of Transport

To validate the accuracy of the CoD data used in the ATF analytical tool, the WERLAs met with the Department of Transport (DoT) in June 2023. The purpose of the meeting was to investigate anomalies in the CoD data previously received from the Department. These anomalies primarily related to variations between when a CoD is processed online versus when a manual

CoD is processed. Following this meeting, the Department shared the manuals developed by the DoT for ATFs and also confirmed that the DoT will use the notification date as a reference for all CoDs (manual & online) going forward.

Suspected Sites of Origin

During 2023, the WERLAs also liaised with the NTFSO seeking information in relation to suspected sites of origin. These are sites that may have been reported to the NTFSO, typically by Revenue, in relation to the origination of vehicles, suspected ELVs and vehicle parts which are being exported from the State. The meeting also facilitated a discussion in relation to waste collection permit holders that may not be using Waste Transfer Forms in respect of hazardous waste movements within the State.

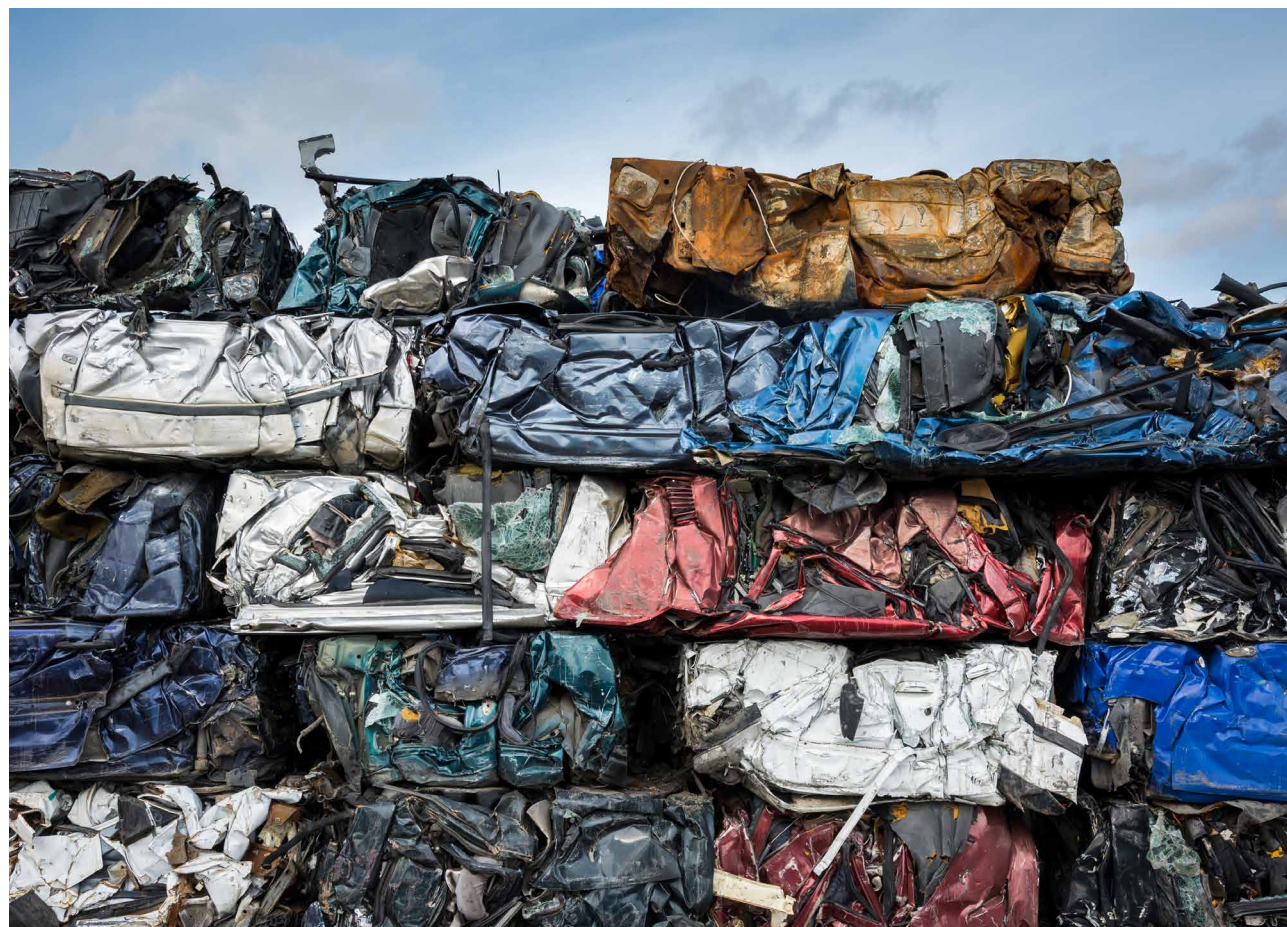
This information was subsequently distributed to the local authorities to assist in targeted inspections of suspected unauthorised operators.



Gap Analysis of ATF WFPs

The WERLAs identified that not all local authorities were incorporating the standard conditions provided in the Waste Facility Permit (WFP) templates developed and issued by the Regional Waste Management Planning Offices (RWMPOs) for ATFs. To ensure consistency of approach, each local authority is recommended to use the most recently prepared WFP templates when issuing new permits or reviewing existing permits. These templates and standard conditions are available to all local authorities on the Network for Ireland's Environmental Compliance and Enforcement (NIECE) platform.

During 2023, the WERLAs carried out a gap analysis of ATF WFPs to assess whether permits have included the standard conditions developed by the RWMPOs. The results of this analysis were communicated to the local authorities at regional operations meetings in Q3 2023 as well as to the RWMPOs.



2022 AR Validation Project Report

The RWMPOs prepared a report summarising their findings from the 2022 AR Validation Project. This report presents an analysis of the ARs from selected permitted waste facilities, including metal waste facilities, and identifies anomalies in the returned data which warrant review and further analysis. The WERLAs use the data in the report to co-ordinate site visits to operators of concern with the local authorities. This report was prepared during 2023 for publication in early 2024.



Household & Commercial Waste

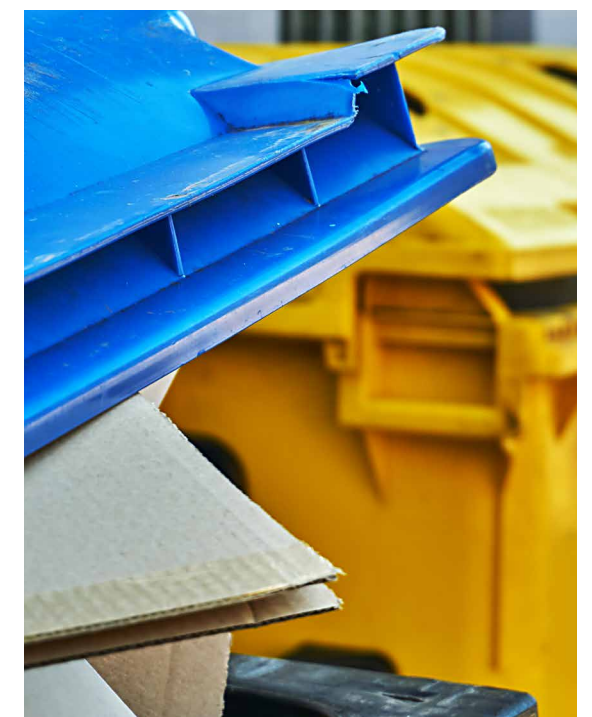
Commercial Waste

Waste Collection - Household and Commercial remained a National Waste Enforcement Priority (NWE) for 2023. The objective of this NWE is to maximise the segregation and recycling of municipal waste. The activities for focus in 2023 for this NWEPS were outlined in Appendix to Circular WP07.22. and included:

- Surveys of retail, hospitality and industrial sectors to ensure proper use of 3 bin system, segregation and use of authorised collectors
- Sampling/analysis of treated waste outputs
- AER Validations on WCP and WFP priority lists
- Focused monitoring of the resources and systems available for gathering and reporting waste data to be carried out as part of site audits at waste facilities/waste collectors.
- Monitoring of waste acceptance criteria at authorised sites e.g. WFP, Waste Transfer Sites, Landfills and Waste to Energy Plant

The WERLAs prepared an inspection programme based on the NWE and corresponding Local Authority Work Programme to assist Local Authorities with inspections of both commercial collectors and commercial premises for 2023. An assessment of waste segregation data identifying commercial collectors with a national footprint, and poor segregation figures, informed the schedule of back office inspections undertaken. These inspections were coordinated by the WERLAs on a phased basis. Phase 1 commenced with back office inspections of 2 national collectors and subsequent phases of the programme followed the aforementioned approach throughout 2023 ultimately capturing smaller commercial collectors with a regional presence.

Using the WERLA templates the inspections were conducted in conjunction with the local authority in whose functional area the back office was located. The cooperation of local authorities enabled the back office inspections and was vital to allow for consistency of enforcement across the State.





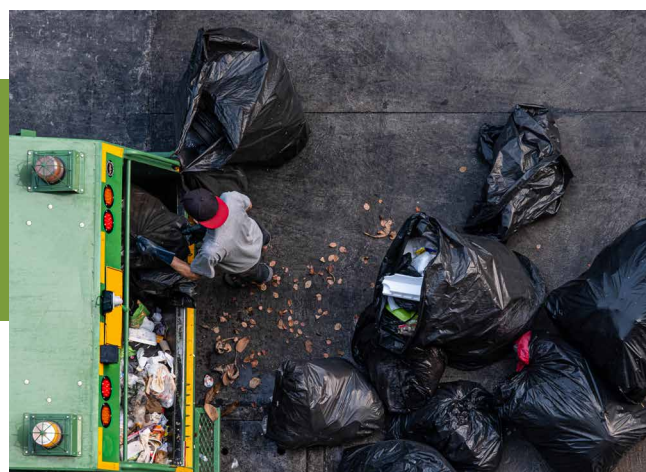
The inspection of the commercial collectors yielded lists of suspected commercial premises with a residual collection but no dry recyclable and/or food waste collection, across all local authority areas. The listing was assembled using data arising from several commercial waste collectors, anonymised accordingly so as not to identify individual waste collection permit holders, and shared with local authorities via a secure encrypted data platform.

Local authorities used this intelligence to inform inspections of commercial premises, in line with their own RMCEI plans. To further assist with the task the WERLA recommend that local authorities access the mywaste.ie website (<https://www.mywaste.ie/business/>) and use the business assets to assist commercial premises with improving waste segregation practices.

Local authorities were also advised to proceed with inspections of commercial premises in 2023 based on local knowledge in their functional areas and in line with their own RMCEI plans.

Furthermore, the WERLAs developed a Microsoft forms questionnaire to be completed by local authorities post inspection. The purpose of this form was to assist the WERLAs in profiling waste management practices at commercial premises and identify sectoral areas of concern to inform the WERLA enforcement strategies for commercial waste going forward.

The WERLAs made a joint submission to the DECC in Quarter 1 2023 in relation to the Draft Waste Management (Collection Permit) (Amendment) Regulations 2022, stemming from the Circular Economy and Miscellaneous Provisions Act 2022. The commercial waste programme developed by the WERLAs was further strengthened and underpinned with the introduction of the Waste Management (Collection Permit) (Amendment) (No. 2) Regulations 2023 which came into effect on 1 July 2023.



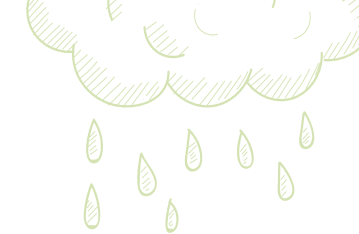
The new Regulations outlined that the majority of commercial premises in this sector are legally obliged to ensure all waste is source segregated through the Waste Management (Food Waste) Regulations 2009 as amended and the Waste Management (Packaging) Regulations 2007 as amended, and the authorised collectors are legally prohibited from co-mingling these wastes types.

The regulations introduced incentivised charging for commercial collections, the provision of a 3-bin system to commercial customers, as required, weighing of bins, the collection of bio-waste bins fortnightly and a requirement for commercial waste companies to introduce a customer charter.

The WERLAs engaged with the NWCPO with regards to developing revised commercial waste conditions for commercial waste collection permits based on the legislative changes and also engaged with the RWMPO with regards to the national awareness campaign addressing key messages for both the waste collectors and the commercial sector.

In 2023 the WERLAs also assisted local authorities with the validation of household and commercial collectors under the 2022 AR joint validation process. These validation inspections provide a valuable insight for the WERLAs into how mixed municipal waste source segregation is progressing.

The publication of the EPAs Commercial Municipal Waste Characterisation Report in 2023 further highlighted the work that is required to be undertaken in the commercial waste sector. With the support of new legislation and the specific requirements regarding incentivised charging and source segregation enabling clear enforcement, coupled with the commitments in the National Waste Policy, there is significant scope to improve the current management of wastes from the commercial sector.

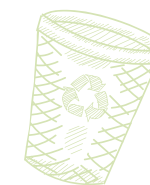


Household Waste

The appropriate collection and management of municipal waste arising from household and commercial properties continues to pose a challenge, as Ireland continues on its journey towards a circular economy. In particular, the most recent national waste statistics and waste characterisation reports published by the EPA have reported on stagnating recycling rates and poor waste segregation practices. The purpose of this national waste priority is to ensure compliance with the household and commercial food waste regulations and corresponding conditions of the waste collection permits (e.g. to improve the roll out of the brown bin), and to drive increased waste segregation and recycling of household and commercial waste.

As in previous years, the WERLAs continued to provide both technical and operational assistance to their constituent local authorities to progress compliance in this area in 2023. The WERLAs prepared an inspection programme to assist local authorities with their inspections of both kerbside waste collectors and commercial waste producing premises. Intelligence relating to waste segregation performance by kerbside waste collectors was circulated to local authorities.

The WERLAs assisted in the validation of waste collectors' Annual Returns, including conducting joint inspections with local authority personnel. Local authorities continued to use the previously developed WERLA guidance and inspection templates for their inspections. The joint inspections of kerbside waste collectors have provided the WERLAs with a valuable insight into how municipal waste source segregation is progressing, as despite the increased provision of household brown bins in recent years, the quantity of household food waste being collected has not shown a similar increase.



Advocacy and working with others

The WERLAs undertook a considerable level of stakeholder engagement in 2023 to advocate for stronger and better regulation in the household waste sector. Submissions from the WERLAs were made to the DECC on a number of pieces of draft legislation including the following:

- the European Union (*Household Food Waste and Biowaste*) (*Amendment*) Regulations (finalised under S.I. 679 of 2023);
- the Waste Management (*Food Waste*) (*Amendment*) Regulations (finalised under S.I. 294 of 2024);
- the Waste Management (*Facility Permit and Registration*) (*Amendment*) Regulations (finalised under S.I. 471 of 2023); and
- the *Waste Management (Collection Permit) (Amendment) (No. 2) Regulations* (finalised under S.I. 104 of 2023).

Submissions from the WERLAs were also made to the LGMA on:

- the draft "*Criteria for determining if areas are unsuitable for Wheeled Bin collections of household or commercial kerbside waste*"; and
- the draft "*National Waste Management Plan for a Circular Economy 2024-2030*".

The WERLAs continued to engage with the NWCPO on progressing a number of reviews for existing waste collection permit holders. The WERLAs also continued to work with the NWCPO, the LGMA and the EPA to help improve waste data reporting systems for local authorities through the NWCPO portal, "NEMIS" and RMCEI. In 2023, the WERLAs continued discussion with the IWMA on measures to improve waste segregation at apartment complexes, and the classification of skip waste arising from municipal sources.

The proper management of waste textiles (arising from both household and commercial sources) has become more of a focus in recent years, and textiles account for approximately 9% of waste in the residual bin. In 2023, the WERLAs participated in a stakeholder workshop organised by the Regional Waste Management Planning Offices to explore options to classify textiles correctly (e.g. waste versus product), and to consider opportunities for having a segregated collection for textiles.

Waste Data is a vital source of intelligence to regulators, and the WERLAs make use of the annual returns data collated via the NWCPO portal and the EPA. In addition to assisting on the validation of annual returns, the WERLAs also periodically undertake a "deep-dive" into the waste returns relating to particular operators or facilities. One such exercise was conducted in 2023, focusing on the waste flows in/out of one particular authorised waste facility that handles household waste. This waste flow analysis identified a number of anomalies in the records, which were then followed-up with inspections by local authorities and the EPA of the source facilities that were sending waste to the site. This exercise proved to be a useful multi-agency operation to help resolve issues around the quality of incoming waste which were suspected to be resulting in odour nuisance at the processing facility.



Enhanced role for WERLA in Enforcement of Household Kerbside collection

The WERLAs' enhancement commenced on 1st December 2023, following the signing of the Service Level Agreements (SLA) between the WERLAs and the local authorities. Under the enhancement, the WERLAs would now take on a more direct role in the strategic enforcement of household kerbside waste collectors (e.g. regarding brown bin roll-out), but still retaining a collaborative enforcement approach with local authorities and the NWCPO on other matters. The WERLAs commenced the development of an enforcement strategy for these operators. Fifty-one household kerbside waste collectors were identified, and a "scorecard" was developed to benchmark their brown bin roll-out and waste segregation rates. The WERLAs issued correspondence to all local authorities to clarify what the new enhanced role would mean for their enforcement activities in the household waste sector, and how this related to waste data reporting by local authorities under RMCEI. Local authorities will remain as 'boots on the ground', retaining the power to enforce the household waste kerbside collectors, as required, and focusing on local enforcement issues.



Reverse Register

Section 27 of the *Circular Economy and Miscellaneous Provisions Act 2022* introduced changes to the *Waste Management Act 1996*, allowing local authorities to maintain a "reverse register", which is a register of household or commercial properties that do not avail of an authorised waste collection service. This Section of the Act was commenced in July 2023. The Reverse Register will facilitate targeted inspections of households by local authorities, in order to assess compliance with the waste presentation bye-laws. In late December 2023, the WERLAs formulated and released several template documents designed to aid local authorities in establishing and maintaining a "reverse register". The documents also included standard templates that can be used to assist with enforcement of the waste presentation bye-laws. These documents are now available to local authorities on the NIECE platform.

Pay to Use (PTU) Compactors

Pay-to-use (PTU) compactors are available in some locations around the country to provide a "pay-as-you-go" option for the deposit of household waste, particularly for those householders that might not avail of a regular kerbside waste collection service. These PTUs hold a waste facility authorisation, and the collection of waste from such units is also regulated through waste collection permits. To ensure that waste collectors are meeting their waste collection permit obligations, the WERLAs held a series of engagements in 2023 with one of the largest PTU operators in the country, who is responsible for the collection of waste from over 40 PTUs nationwide. This engagement consisted of a number of inspections, meetings, and also the inspection of one PTU being emptied at a third-party facility. The PTU sector is very small in terms of the amount of household waste that they collect, but they have similar regulatory requirements to meet than the other household kerbside waste collectors. The sector has challenges to be able to provide a food waste collection service, and the WERLAs will continue engagement with the sector to monitor compliance.



Producer Responsibility Initiatives and Additional Local Priorities

The Waste Action Plan for a Circular Economy, published in September 2020, shifts focus away from waste disposal and looks instead to how to preserve resources by creating a circular economy. In a circular economy, producers must be held to account for the sustainability of the products they place on the market.

Extended Producer Responsibility (EPR) is an environmental policy approach in which a producer's responsibility for a product is extended to the postconsumer stage of a product's life cycle. Under an EPR model, producers take over the responsibility (financial and/or organisation) for collecting or taking back used goods and for sorting and treating for their eventual recycling.

Ireland uses the EPR model for dealing with several waste streams and Producer Responsibility Initiatives have been developed based on the 'producer pays' principle. The waste streams covered under existing EPR schemes in Ireland are:

- Waste Electrical and Electronic Equipment (WEEE)
- Batteries
- Packaging
- End-of-life vehicles (ELVs)
- Tyres
- Farm plastics.

To date, these schemes have operated very successfully and have enabled Ireland to reach our domestic and EU recycling targets. They have also successfully contributed to Ireland meeting its overall environmental goals and have diverted substantial amounts of waste from landfill.

The objective under the National Waste Enforcement Priority, Producer Responsibility Initiatives and additional local priorities is to ensure that all operators subject to producer responsibility initiatives are registered with an approved compliance scheme and that there is good regulatory compliance at all waste facilities, including those operated / regulated by local authorities.

Packaging

The 2022 amendment of the European Union (Packaging) Regulations came into effect in January 2023 and ended registration with local authorities as an option for major producers of packaging waste. This was to ensure equitable treatment of Suspected Major Producers previously registered with local authorities. To support the enforcement of this amendment, the WERLAs worked with DECC and the approved body (Repak) to develop a strategy for local authority targeted inspections to prioritise the transition of businesses that previously registered with local authorities to Repak membership.

Repak operates the producer responsibility organisation for packaging and packaging waste under approval from the Minister for the Environment, Climate and Communication. The WERLAs updated local authority focused guidance manuals incorporating the changes from the amended packaging regulations and circulated this in addition to a targeted programme of inspections to support the local authorities to monitor compliance with the Packaging Regulations in their functional area.

256 targeted inspections of suspected major producers were carried out in 2023 under the packaging regulations by local authorities nationwide. An additional 64 inspections were completed as part of the transition of businesses that previously registered with local authorities to Repak membership, and this has resulted in 52 major producers who were previously registered with local authorities becoming Repak members and an additional 6 in various stages of their membership application by year end.



Single Use Plastics Directive

Single-use plastic products (SUPs) are used once, or for a short period of time, before being thrown away. The impacts of this plastic waste on the environment and our health are global and can be drastic. Single-use plastic products are more likely to end up in our seas than reusable options.

The Single Use Plastics (SUP) Directive places a range of controls on various types of plastic products and on those who manufacture or import these products and targets the 10 most commonly found single-use plastic items on European beaches which, along with fishing gear, represents 70% of all marine litter in the EU and commits Member States to introduce a range of measures to deal with those single-use plastic items.

The Directive has been transposed through S.I. No 516 of 2021, as amended by S.I. No. 136 of 2022. Additional legislation as part of this directive is also in place and obligations have been placed on producers of single use plastics as outlined within the following regulations:

- EU Single Use Plastics Regulations as amended in 2022
- Separate Collection (Deposit Return Scheme) Regulations 2021
- EU Extended Producer Responsibility (Tobacco Filters containing plastics) Regulations 2022
- EU Extended Producer Responsibility (Wet Wipes) Regulations 2022
- EU Extended Producer Responsibility (Balloons) Regulations 2022
- EU Extended Producer Responsibility (Fishing Gear containing plastic) Regulations 2022

Responsibility for enforcement of the single use plastics regulations has been assigned to the EPA and local authorities.



Deposit Return Scheme (DRS)

The Separate Collection (DEPOSIT RETURN SCHEME) Regulations enabled the establishment of a Deposit Return Scheme (DRS) in Ireland and are a subset of the Single Use Plastics Regulations. The local government sector has 100% responsibility for the monitoring compliance with the DRS. Deposit Return Scheme Ireland (DRSI) CLG, trading as Re-turn were appointed in mid-2023 to operate Ireland's DRS compliance scheme.

A working group, established between DECC, the WERLAs, and the approved body, ensured that all stakeholders worked collaboratively on the implementation of the DRS. The WERLAs developed an enforcement guidance manual to support local authorities in their enforcement efforts in advance of the go-live date.

The WERLAs worked with Re-turn to develop a two-way communication platform for inspection tracking and seamless compliance monitoring.



Tyres

The 2017 Tyre Regulations impose obligations on persons who supply tyres to the Irish market, whether as retailers, importers or manufacturers and on persons who manage waste tyres and are designed to maximise the reuse, recycling and recovery of waste tyres.

Circol ELT operate Ireland's tyre compliance scheme, under approval from the Department of Environment, Climate Action and Communication and enforcement of these regulations is a matter for the EPA and the local authorities.

The local authorities undertake the on-the-ground enforcement for Tyre retail outlets and treatment facilities and 643 inspections were carried out in 2023 across the 31 Local Authorities resulting in a compliance rate of 91% nationally.

The WERLAs coordinate and support these enforcement activities by providing guidance manuals and templates to members of the local authorities and ensuring that all 31 local authorities have access to the Tyre Enforcement Portal to identify enforcement action and track compliance.

The WERLAs continued to engage with the approved body, Circol ELT throughout 2023 to facilitate the provision of up-to-date national and regional compliance statistics on the two way communication platform.

In 2023, over 4.7 million Tyres were managed through 2893 Circol ELT Registered Sites (Tyre Retailers & Producers), representing 91% of the Tyres placed on the market, their highest ever volume of tyres with almost 39,000 tonnes collected from members.

It was announced in late 2023 that the Tyre scheme would expand in 2025 to include Truck, Bus, Agri, Construction and Industrial tyres. The WERLAs have engaged with the approved body and will continue to engage throughout 2024 with all stakeholders to ensure the continued success of the expanded success.





End of Life Vehicles (ELVs)

The EU (End of Life Vehicles) Regulation 2014 require all producers (manufacturers or professional importers of vehicles), who supply or import new or used cars or light commercial vehicles to the Irish market, to register with all 31 local authorities and set up a national system for the collection of specified vehicles at their end of life or to participate in a national scheme for the recovery of ELVs as operated by the approved body ELV Environmental Services CLG (ELVES).

ELVES received approval to operate as the compliance scheme for the vehicle sector from the Minister for Climate Action, Communications and Environment from the 1 January 2017.

The WERLAs liaised with ELVES and other regulatory agencies throughout 2023 to identify suspected vehicle importers of concern and local authorities carried out 80 inspections on suspected vehicle importers in 2023.

The period of approval for ELVES CLG to act as an ELV compliance scheme was due to expire on 31 December 2023. As part of the process of assessing the application for re-approval, the WERLAs were consulted by the Department of Environment, Climate, & Communications (DECC).

Waste Electrical and Electronic Equipment (WEEE)

The European Union (Waste Electrical and Electronic Equipment) Regulations 2014 impose obligations on persons who supply WEEE onto the Irish market as retailers, importers, manufacturers and by means of distance selling (online websites etc.).

Retailers distributing WEEE onto the Irish market, must register with their respective local authority annually for a fee or once off with the approved bodies, ERP or WEEE Ireland depending on premises location. The retailer must also advertise their takeback facility for WEEE from consumers on a like for like basis and store any WEEE in an environmentally sound manner in accordance with the regulations.

Local authorities are responsible for enforcing retailer obligations.

There are two approved bodies for WEEE & Batteries in Ireland:

1. European Recycling Platform (ERP) Ireland (www.erp-recycling.org)
2. WEEE Ireland (www.weeeireland.ie)

In 2023, local authorities carried out 541 WEEE inspections on retail premises & authorised treatment facilities with a particular focus on WEEE leakage.

The WERLAs coordinated a joint LA/EPA WEEE inspection programme.



Batteries

The European Union (Batteries and Accumulators) Regulations impose obligations on persons who place batteries and/or accumulators onto the market whether distributors, importers, or manufacturers.

Retailers placing batteries and/or accumulators, outside of portable batteries and/ or electrical and electronic equipment on to the Irish market, must register with their respective local authority annually for a fee or once off with the relevant approved body, ERP or WEEE Ireland.

Retail outlets that sell batteries are required to take waste batteries similar in type to those they supply and store these batteries in an environmentally sound manner.

Local authorities are responsible for enforcing retailer obligations, and 589 battery inspections were completed on retail premises in 2023, with a particular focus on Vape and e-cigarette premises. The WERLAs coordinated a joint LA/EPA WEEE inspection programme.

2023 saw an increased focus on the recycling of disposable & re-chargeable vapes. Both compliance schemes accept used vapes in their battery return boxes in retail outlets.

The Council of the European Union adopted a new regulation (Regulation (EU) 2023/1542) that strengthens sustainability rules for batteries and waste batteries. The regulation aims to regulate the entire life cycle of batteries, from production to reuse and recycling. The regulation sets targets for producers to collect waste portable batteries and introduces a dedicated collection objective for waste batteries for light transport.

The regulation also sets a target for lithium recovery from waste batteries and provides for mandatory minimum levels of recycled content for industrial, SLI batteries and EV batteries. Batteries will have to hold documentation in relation to the recycled content. The regulation provides that by 2027, portable batteries incorporated into appliances should be removable and replaceable by the end-user.

The current period of approval for both WEEE Ireland and ERP Ireland is due to expire on 31 March 2024. It is expected that, as part of the review process, DECC will seek observations from WERLAs on the scheme's operation to date and any suggestions for improvements.





Farm Plastics:

The regulations place obligations on producers that place farm film products on the Irish market to either become directly involved in the recycling of farm plastics waste by facilitating a deposit refund scheme or by participating in a government approved farm plastics recycling scheme by either registering with the approved body, the Irish Farm Film Producers Group (IFFPG) or by purchasing farm plastics from IFFPG members only.

Local authorities are responsible for enforcing the obligations of Farm Plastic producers. In 2023, local authorities completed 205 farm plastics inspections nationwide to ensure compliance with the regulations.

In 2023, the scheme collected 38,857 tonnes of material, the majority (35,787 tonnes) of which was collected at designated collection points and the remainder was collected directly from farmyards.



Conclusion

This report illustrates the multiple ways in which the work of the WERLAs embodies the guiding principles that underpin its mission statement and the following values that can be drawn from such guiding principles:

- Protection and improvement of the environment.
- Monitoring and enforcement of waste activities and legislation.
- Consistency, coordination, and efficiency.
- Compliance with EU and national laws.
- Commitment to continuous improvement.

These principles and values drive the continuous efforts of the WERLAs, ensuring a sustainable and compliant future for waste management in Ireland.





Case Study

Dublin Metropolitan Region, Garda Multi-Agency Forum, Vehicle Check Points

The Eastern Midlands (EM) WERLA represent the WERLAs at the Dublin Metropolitan region An Garda Siochana Multi Agency (MA) Forum for Environment and Wildlife. The Dublin Metropolitan Region is one out of four of the Garda National Bureau of Criminal Investigation’s multiagency regional networks, each with WERLA representation, which, enable a multi-faceted enforcement approach by bringing together key stakeholders.

The DMR multi-agency forum is chaired by the Superintendent of the Roads Policing Unit in Dublin Castle. It operates across the four Dublin local authority areas, namely, Dublin City Council, Fingal County Council, South Dublin County Council and Dun Laoghaire Rathdown County Council.

In June 2023, the WERLA were invited to coordinate a vehicle check point (VCP) within the DMR with assistance from the Commercial Vehicle Unit of An Garda Siochana. The EM WERLA requested an intelligence based proposal from each of the four Dublin local authorities for a MA VCP to take place in their respective functional area. The intelligence based proposal was to include routes, facilities, times, operators and waste types. Each of the 4 Dublin LAs submitted a proposal on this basis.

The proposal received from Fingal County Council was chosen based on the location which centred on an area with significant volumes of waste related activities and main road networks.

The WERLAs coordinated the multi-agency operation, to tackle illegal waste activity and monitor compliance with waste legislation, on 7th September 2023. The intelligence led vehicle check point was conducted in Fingal County Council, in an area known for significant waste activity. The check points were located both northbound and southbound on a main artery within close proximity to the M1 to capture waste movements within the area and en-route to other counties outside of Fingal.

Representative agencies for this joint operation included An Garda Síochána, the Road Safety Authority, as well as waste enforcement teams from Fingal County Council, Dublin City Council, and the National Trans Frontier Shipment Office.

The participation of all agencies proved to be very beneficial to those involved. Multi-agency operations such as this have a positive deterrent effect on criminality, raise awareness, and lead to outcomes relating not only to waste but other offences also. The check point received significant media coverage nationally.

Further MA inspections were coordinated by WERLA through the DMR MA forum in 2023. An Inspector from the roads policing unit also attended the WERLAs Regional Operations meeting to give a presentation on health and safety at the roadside and measures of use to waste enforcement officers during vehicle check points in their functional areas.

The WERLAs will continue to support the Garda multi-regional networks by building on their established links supporting a co-ordinated approach to waste enforcement across the Region.



Garda and council checkpoint targets illegal dumping in Dublin region



Gardaí and council staff conducted the checkpoint operation in Fingal. Pic: Dublin City Council



Glossary



AR	Annual Returns	IWMA	Irish Waste Management Association
AER	Annual Environmental Returns	LA	Local Authority
ADI	Anti-Dumping Initiative	LoW	List of Waste
AGS	An Garda Siochana	MMW	Mixed Municipal Waste
ASDP	Annual Services Delivery Plan	LGMA	Local Government Management Agency
ATF	Authorised Treatment Facility	NBCI	National Bureau of Criminal Investigations
CCMA	City and County Managers Association	NEMIS	National Environmental Management Information System
COR	Certificate of Registration	NIECE	Network for Ireland’s Environmental Compliance and Enforcement
CoDs	Certificates of Destruction	NIEA	Northern Ireland Environment Agency
C&D	Construction and Demolition	NTFSO	National Transfrontier Shipment Office
CATCEN	Climate Action, Transport, Circular Economy, and Networks Committee	NWCPO	National Waste Collection Permit Office
DECC	Department of Environment, Climate and Communications	NWEP	National Waste Enforcement Priorities
DPIA	Data Protection Impact Assessment	NWESC	National Waste Enforcement Steering Committee
DTTAS	Department of Transport, Tourism and Sport	PSNI	Police Service of Northern Ireland
ELV	End-of-Life Vehicle	PRI	Producer Responsibility Initiative
EEA	European Economic Area	PTU	Pay To Use
EPA	Environment Protection Agency	RMCEI	Recommended Minimum Criteria for Environmental Inspections
EPR	Extended Producer Responsibility	SMP	Suspected Major Producers
EoW	End of Waste	SOP	Standard Operation Procedures
ERP	European Recycling Platform	WEO/ SWEO	Waste Enforcement Officers/Senior Waste Enforcement Officers
EU	European Union	SLA	Service Level Agreement
EnviCrime Net	Network of Police Officers focused on tackling environmental crime	TFS	Transfrontier Shipment
ENPE	European Network of Prosecutors for the Environment	WFP	Waste Facilities Permit
ESTG	Environmental Services Training Group	WCP	Waste Collection Permit
EUFJE	European Union Forum of Judges for the Environment	WMA	Waste Management Act
FPN	Fixed Payment Notice	WERLA	Waste Enforcement Regional Lead Authority
GDPR	Global Data Protection Regulation	WEEE	Waste Electrical and Electronic Equipment
ICG	Industry Contact Group	WERLA CUR/EMR/ SR	Waste Enforcement Regional Lead Authority Connacht Ulster Region/East Midlands Region/ Southern Region
IE	Industrial Emissions licensing	WMPLA	Waste Management Planning Lead Authority
IPC	Industrial Pollution Control licence	WWEEP	Water, Waste, Environment & Emergency Planning (Committee)



