

Environment and Transportation Department  
Dublin City Council, Block 2 Floor 6,  
Civic Offices, Wood Quay,  
Dublin 8,  
D08 RF3F

**RE: Submission from Dublin City Council and the three Waste Management Regions, in respect of the consultation paper on the Implementation of Regulation 2019/943 in relation to Dispatch and Redispatch**

**SEM-20-028**

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## **1 Introduction and Background:**

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For the purposes of waste management planning, Ireland is now divided into three regions: Eastern-Midlands, Southern and Connacht-Ulster region.

The Eastern Midlands Waste Region has 12 constituent local authorities, stretching from Dublin in the east, Louth to the north and Wicklow to the south. Dublin City Council is the lead authority within the Region acting on behalf of the other authorities and hosting the Eastern-Midlands Waste Regional Office (EMWRO). The Region covers both urban and rural with a population of approximately 2.2 million with an 80 / 20 split, the urban population split is predominately influenced by the Dublin area which has the largest population and highest economic activity in the region and nationally.

The Southern Waste Region comprises the 10 local authority areas of Carlow, Clare, Cork County, Cork City, Limerick City & County, Kerry, Kilkenny, Tipperary, Waterford City & County and Wexford. The Region covers 42% of the land mass of the country, with a population of over 1.5 million people. The settlement patterns in the region are evenly split between urban and rural areas, with the four cities of Cork, Limerick, Kilkenny and Waterford having the highest population and strongest centres of economic activity. Limerick City & County Council and Tipperary County Council are the lead authorities for the Region and manage the Southern Region Waste Management Office (SRWMO).

The Connacht Ulster Region merges a number of smaller historical waste regions. The region stretches from Galway in the west, to Donegal in the north and to Monaghan in the north east and in total consists of 9 local authorities. The region has appointed Mayo County Council, as the regional lead, to act on behalf of the other authorities.

Waste management plans for the three regions were published in May 2015. The plans are statutory document prepared by the local authorities of the region. They cover the period from **2015 to 2021**, after which time it will be revised or replaced. The plans are underpinned by National

and European waste legislation. The regional offices coordinate the implementation of the respective regional Waste Management Plans and are a knowledge resource for all stakeholders with the capacity to promote higher order waste actions in the areas of prevention, reuse, resource efficiency and recycling. The regional offices through their work ensure the continued management of waste in a safe and sustainable manner

The vision for the plan is to reconsider our national and regional approach and attitudes towards managing waste. The primary focus is to view waste as a valuable resource in conjunction with making better use of current resources along with the reduction of leakage of material, to include energy. The strategic focus of the plans recognises the important role the waste sector has to play in helping Ireland's households, businesses and industry in the transition towards a more resource efficient and circular economy. The plans aim to place a stronger emphasis and recognition on waste prevention and material reuse activities, with the positive progress made in recycling being built upon with a focus on better collection of quality materials. The plans further strive to reduce the role of landfill in favour of higher value recovery options. The regions work together and with other stakeholders to achieve greater self-sufficiency so we are taking greater responsibility in Ireland for our wastes. The future management of wastes in all regions will always be managed in a manner which seeks to protect the health of our environment and our citizens from potential harmful impacts.

## 2 Waste and Resource Policy and Legislation

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### 2.1 Waste Framework Directive 2008 (2008/98/EC)

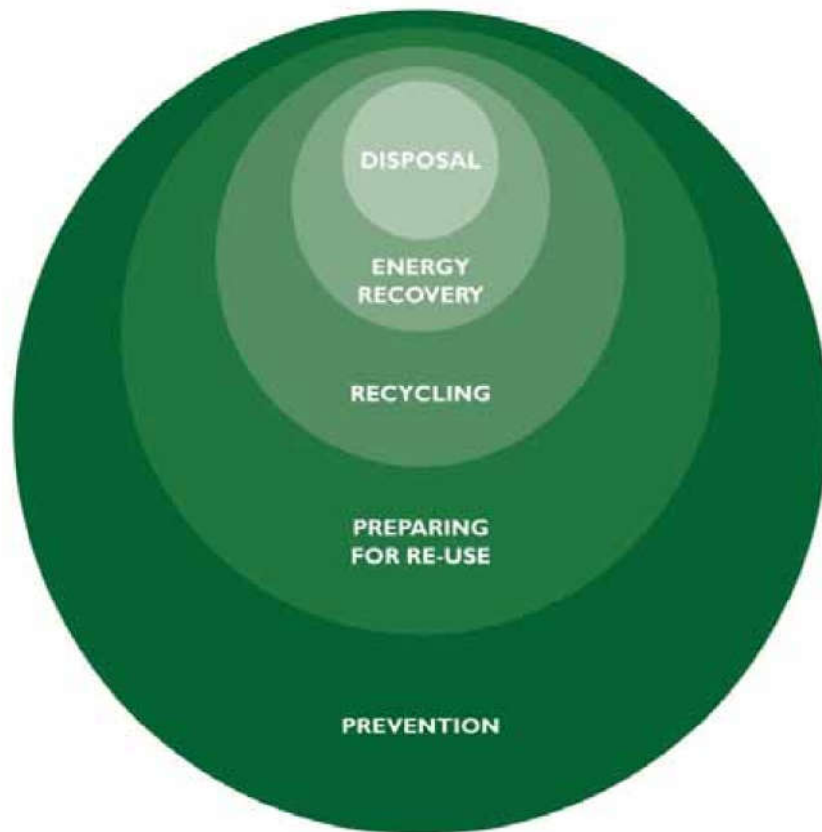
The Waste Framework Directive (WFD) incorporates the provisions of previous separate Directives on waste oils and hazardous wastes which have since been repealed. The WFD provides the overall structure for an effective and safe management regime in Europe and was transposed into Irish law in 2011.

The Directive describes the basic concepts and definitions related to waste management, such as the definition of waste, recycling and recovery. It gives Member States the provision to take action to encourage the prevention, recycling and processing of waste and also provides direction on important waste principles such as the polluter pays principle, extended producer responsibility, self-sufficiency and proximity.

In addition the Directive sets out a waste hierarchy which is a priority order (**Figure 1**) of what constitutes the best overall environmental option in waste legislation and policy. The Directive recognises that departing from the hierarchy may be necessary for specific waste streams, for example due to technical feasibility, economic viability or environmental protection, and may be supported through life cycle thinking.

The WFD also requires that Member States establish an integrated and effective network of

- installations for waste disposal and
- the recovery of mixed municipal wastes.



**Figure 1** – Revised Waste Management Hierarchy

To reflect the requirements of the WFD, the regional plans have incorporated the utilisation of thermal recovery where the principal use of the waste is as a fuel to generate energy and primarily electricity. The thermal recovery activities are generally via incineration (waste to energy), co incineration (cement kilns), pyrolysis and gasification, these activities currently sit on the energy recovery tier of the waste hierarchy.

Dublin City Council in conjunction with the regional waste management offices would therefore like to highlight some of the unintended consequences, which may arise for waste management planning if the WFD is not fully considered in the implementation of regulation 2019/943, and in particular to highlight the potential impact of the TSO proposed hierarchy.

### 3 Response to Question 9

**Consultation Question 9:** Do you agree with the TSOs' proposal for a revised priority dispatch hierarchy?

The RAs request that the TSOs consider the points raised in this Section in their response with any further proposed changes to the hierarchy.

Our understanding is that the TSO proposed hierarchy is as set out in table 6 of the consultation paper, (with conventional plant being dispatched down first).

Priority Dispatch Order	Category
1	<b>Generation the dispatch down of which results in a safety issue to people arising from the operation of hydro generation stations in flooding situations:</b>
2	<b>Interconnector schedules:</b>
3	<b>Wind/Solar/Tidal/Hydro</b>
4	<b>High Efficiency Cogeneration/Biomass/Waste to Energy</b>
5	<b>Conventional Participants</b>

We would note the following in respect of the proposed hierarchy:

As set out in section 2 above, thermal recovery is now, a cornerstone of waste management planning and treatment in Ireland and it is fundamental that the thermal recovery activities retain their recovery status to ensure Ireland is delivering a sustainable, environmentally friendly solution for our residual waste.

#### 3.1 Potential Impact on national thermal recovery treatment capacity and recovery versus disposal status

The TSO has stated that '*Biomass, Waste to Energy and high efficiency co generation are afforded mandatory priority dispatch. Where there is no security threat to the system, (as otherwise priority dispatch no longer applies) and a choice of priority dispatch units has to be made, this hierarchy is considered to be marginally more secure. This is because **not utilising the CHP, biomass or waste to energy resource allows for it to be used later** (as against wind, solar or tidal units where utilisation of the resource cannot be deferred) thereby increasing the security of supply of the system in a small way. A number of such units have internal processes which require them to run at a certain level of generation which needs to be considered.*' (emphasis added)

The statement that **not utilising the CHP, biomass or waste to energy resource allows for it to be used later**, is not entirely true in the case of a Facility, who's primary goal is to treat waste, and in simple term as a secondary process to generate energy.

While Dublin City Council and the regional waste management offices recognise that the treatment of waste is not the primary consideration of the TSO, an unintended consequence of the TSO

recommendation if implemented, would grant the TSO a level of control over the quantum of waste processing capacity in Ireland.

It is entirely possible, that in the event of high level of dispatch down, that facilities that are currently designated as recovery facilities would also be re-designation to disposal facilities and they would no longer fulfil their requirements under the national waste plans and achieve Ireland compliance with the waste hierarchy as set out in the WFD. We outline the consequences of this below.

- The Regional Waste Management Plans are written within a spirit of the WFD to ensure that the waste hierarchy is respected, and that prevention, reuse, and recycling are not impacted. However, Waste to Energy can be attributed to different labels, such as 'disposal', 'recovery' and potentially 'recycling' for anaerobic. For instance, Municipal Solid Waste Incinerators (MSWI) have been reclassified to a recovery operation by the revised WFD, provided they generate energy and the plants meet the efficiency thresholds calculated using the 'R1' formula. The energy efficiency (EE) of the installation must be  $\geq 0.65$  for facilities in operation since 2009 and  $\geq 0.60$  for facilities in operation before 2009.
- Recent calculations for the Dublin Waste to Energy Facility indicated that the energy efficiency of the plant is c. 0.66. With the continued or increased levels of downward dispatch, the figure of 0.65 is at significant risk of being breached which would result in the plant being re-designated a D10 disposal facility. This could have significant implications for the Waste Plans and for the Irish State. There are few instances across Europe where dispatch down applies for Waste to Energy facilities.
- By not achieving the R1 efficiency criterion, this will constitute a breach of the Facility's EPA licence conditions. In addition, the Irish state will be in default for failing to meet the recovery targets for waste set out in EU Legislation and will be fined daily until the recovery targets are met.
- A further impact of the loss of R1 status is the risk to the loss of the customer base for specific wastes. Many of the blue-chip companies expect that their waste be sent for recovery and not disposal. The impact of the loss of the R1 status for Waste to Energy Facilities is that these customers may send their waste to other recovery plants abroad, which is not a sustainable environmental solution. In effect, Ireland will be exporting its waste and renewable energy to facilities abroad performing the same operation as Waste to Energy Facilities in Ireland.
- The requirement to process waste and the maintenance of waste processing capacity is an essential service, and an action to limit this capacity is clearly not in the public interest.
- Furthermore, dispatching down Waste to Energy Facilities has consequence for emissions. Emissions of CO<sub>2</sub> and NO<sub>x</sub> would be increased per MWh exported, and in addition can drive a requirement to consume fossil fuels should the Facilities be required to shut down or restart.





#### 4 Response to Question 11

**Consultation Question 11:** *The RAs' interpretation of the Regulation is that where a new connection agreement is required or where the generation capacity of a unit is increased, a unit will no longer be eligible for priority dispatch.*

*The RAs also propose that units should be able to make a choice on whether they wish to retain their priority dispatch status or not. Feedback is requested on this proposal*

The regional waste plans have a policy objective, under 15(a) to support an increase in thermal treatment capacity in the future up to 300,000 tonnes per annum. This additional capacity may be realised through an increase in capacity an existing facilities or through the development of new Facilities in Ireland.

#### Policies:

E15a. The waste plan supports the development of up to 300,000 tonnes of additional thermal recovery capacity for the treatment of non-hazardous wastes nationally to ensure there is adequate active and competitive treatment in the market and the State's self sufficiency requirements for the recovery of municipal waste are met. This capacity is a national treatment need and is not specific to the region. The extent of capacity determined reflects the predicted needs of the residual waste market to 2030 at the time of preparing the waste plan. Authorisations above this threshold will only be granted if the applicant justifies and verifies the need for the capacity, and the authorities are satisfied it complies with national and regional waste policies and does not pose a risk to future recycling targets. All proposed sites for thermal recovery must comply with the environmental protection criteria set out in the plan.

E15b. The waste plan supports the need for thermal recovery capacity to be developed specifically for the on-site treatment of industrial process wastes and where justifiable the treatment of such wastes at merchant thermal recovery facilities.

E16. The waste plan supports the development of up to 50,000 tonnes of additional thermal recovery capacity for the treatment of hazardous wastes nationally to ensure that there is adequate active and competitive treatment in the market to facilitate self-sufficiency needs where it is technically, economically and environmentally feasible. The capacity is a national treatment need and is not specific to the region. All proposed sites for thermal recovery must comply with the environmental protection criteria set out in the plan.

#### Extract - Policy 15 from Regional Waste Management Plans

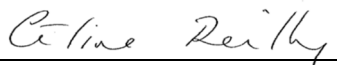
As set out under our response to question 9, the position of Waste to Energy within the priority dispatch hierarchy, may have significant consequences for waste management planning in Ireland. Dublin City Council and the regional offices would therefore agree with the concerns raised by the

RAs in relation to existing or new units taking steps to avoid necessary or useful modifications where they introduce the requirement for a new connection agreement.

In this regards, it is noted that a likely increase in generation capacity for an existing facility will force a surrender for all priority dispatch currently allocated to such facilities. We would therefore agree that these units should be able to make a choice on if they wish to retain their priority dispatch status in these circumstances. In relation to new thermal treatment capacity, where this option is not available, the implementation of this regulation may create uncertainty for growth in this space, and at worst creates a barrier to entry altogether.

Dublin City Council and the three Waste Management Regional Office, would like to thank the RAs for the opportunity to provide feedback in respect of the implementation of Regulation 2019/943, which has significant implication for how thermal treatment facilities will continue to treat waste and be managed within the SEM.

Yours Sincerely,



Celine Reilly,  
Executive Manager  
Environment and Transportation.