

Food Waste



It's the Law!

**Waste Management
(Food Waste)
Regulations 2009
(S.I. No.508 of 2009)**

The EU Landfill Directive drives Irish waste legislation. This requires that we reduce the volumes of waste landfilled. It also requires us to drastically reduce the disposal (landfilling) of biodegradable waste by July 2010 (The *National Strategy on Biodegradable Waste* requires a 36% diversion of bio waste in 2010). Regulations introduced in December 2009 are designed to promote the source segregation and beneficial use of food waste arising in the commercial sector. These Regulations impose a range of obligations on producers and collectors of this waste stream. This leaflet outlines some of these.

Who?

Obligations are imposed on the major generators of food waste, such as State buildings where food is prepared, restaurants and cafés, hot food outlets, forecourt vendors, canteens, hotels and larger guesthouses, hospitals, universities, airports and supermarkets and other food retailers, to segregate these materials and make them available for separate collection. These producers may directly transfer their own food waste to an authorised treatment facility or treat the material on their own premises subject to approval. Organisers of some trade shows also must comply with the Regulations and must prepare a Food Waste Management Plan

What?

Food waste must be separated at source. Food waste may not be deposited into a residual waste container where a source-segregated collection for food waste is available. Neither can food waste be disposed of to sewers through a food shredder, macerator, liquidiser or hydrating device without a licence.

When?

These Rules came into force on 1st January 2010 and generally apply from 1st July 2010

Why?

Food waste decomposes when it is placed in a landfill. It produces landfill gas when this happens. This gas contains large amounts of Methane – a powerful Greenhouse agent. It also produces leachate; a polluting liquid. Treating leachate needs energy – more climate change. These undesirable effects can be greatly reduced if bio waste is separated at source and composted or digested and the compost used to enrich soil.

Exemptions

These regulations do not apply to normal residential houses and apartments. Those scheduled premises producing less than 50kg per week of food waste are also exempt until 1st July 2011, unless otherwise obligated. To avail of this exemption it is necessary to submit a compliant written declaration prior to 1st July 2010. The Regulations do not apply to commercial or industrial activities such as food manufacturing, except where food is prepared within the premises for supply on that premises.

In order to remain consistent with policy and practice already in place, the Regulations also apply to all scheduled premises where a source-segregated food waste collection service is available or where source-segregation is imposed by the requirements of

- ⇒ A relevant Waste Management Plan
- ⇒ Waste Collection Permit or
- ⇒ Waste Presentation Bye-Law.

There is no exemption for animal by-products regulated by Department of Agriculture, Fisheries and Food. Some offshore islands may be exempt under certain circumstances. All obligations imposed by food safety and hygiene standards remain.

HOTELS

If the food waste solely arising in the premises is composted on site and its use is confined to that site and it is used for non agricultural/ horticultural use i.e. flower beds and these are not accessible by farm animals, then there is no current need for ABP approval BUT this is under review by the Dept. Agriculture Fisheries and Food. It may be that following a review the situation could be different.

CONTAMINATION

Segregated food waste may not be contaminated or rendered unsuitable for composting and recovery.

SEGREGATION

AND OTHER OBLIGATIONS

Producers are required to make sure that food waste is segregated from non-biodegradable materials and other waste. It must be kept free from contaminants.

Segregated food waste must then either be:

1. Collected by an authorised waste collector
2. Subjected to an authorised on-site treatment process
3. Transferred directly by the producer to a 3rd party authorised treatment process

Collectors must not contaminate any source separated bio waste or render it less suitable for recovery.

INFORMATION

The Regulations give powers to the EPA and the Local Authority to request information from collectors and producers to ensure compliance.

As a producer it is in your interest to provide all the information you are asked for.

Failure to provide satisfactory information may mean that you will have to produce a comprehensive report and failure to produce this will be an offence.

COLLECTOR OBLIGATIONS

These new regulations dovetail into other restrictions on the disposal of food waste. It is another part of the jigsaw. Other pieces include the Landfill Directive, the Waste Framework Directive and the new EPA pretreatment and protocols relating to the disposal of Municipal Waste. Waste Collectors (including Local Authorities) are not obliged to collect waste from a producer where they consider that the producer does not comply with the Regulations or to accept food waste for the disposal where the producer has not given a written declaration on the separation of the food waste. Collectors must inform the local authority of those who refuse to avail of the segregated collection service. At this stage the Waste Collection Permits, which allow a collector to collect Municipal Waste have been modified to maximise the separate collection of bio waste. While this is not required by these Regulations, it is related to implementing the Connacht Waste Management Plan, which in turn implements the National Bio Waste Strategy. This in turn makes sure that the targets of the EU Landfill Directive are achieved.

Because of the restrictions on disposing of food waste, landfill operators are not allowed to accept any waste unless they know that it is pre-treated to remove the bio waste. The Collector will be obliged to test the waste they plan to dispose so as to satisfy the Landfill operator that the waste they are bringing is acceptable.

OTHER IMPORTANT CONSIDERATIONS

Environmental protection is important. It is important to realise that when food waste is landfilled it is a lost resource. In a landfill it decomposes to produce landfill gas and leachate.

The gas includes Methane, which is a very powerful climate change agent. No matter what efforts are made to capture and use this gas, substantial quantities of it escape.

The EPA prohibits licensed landfills from accepting waste that contain significant quantities of biodegradable material. Even if a waste collector wanted to landfill waste containing food waste, it may not be possible.

NOTE

This is not a legal interpretation of any legislation. Always refer to the original legislation and seek legal advice if in doubt.

EVEN MORE IMPORTANT CONSIDERATIONS!

Penalties for non-compliance can be up to €3,000.

It is always better to comply with the law. Failure to comply will mean spending money on legal, and other professional advice. It may be that an offender is charged with several offences so costs will quickly multiply! Non-compliance will mean unnecessary damage to our environment. We all share the environment so this is a cost to the all of society. In the end producers, collectors and landfill operators will have to comply.

COSTS

Costs should be lower if food waste is diverted from landfill. Since December 2009, the Minister has increased the tax on waste disposal by 50%. It is likely that this will continue to increase as a deterrent to landfilling waste, which may be recoverable and recyclable. This means you can keep your costs down by separating your waste at source to maximise recycling and minimise disposal.