

# FREQUENTLY ASKED QUESTIONS

## INTRODUCTION

European Parliament and Council Directive 2000/53/EC on end-of-life vehicles (known as the 'ELV Directive') sets out specific measures to be put in place by Member States in relation to the collection, storage, treatment, dismantling, reuse, recycling and disposal of end-of-life vehicles. Under the Directive, each Member State is required to -

- achieve new recovery and recycling targets for end-of-life vehicles;
- ensure that all end-of-life vehicles are dismantled, treated and recovered by industry at no cost to the final holder / owner of that vehicle and in a manner that does not cause environmental pollution;
- introduce systems whereby certificates of destruction are notified to the competent vehicle registration authorities on the deposit of end-of-life vehicles by their registered owners at authorised treatment facilities for appropriate treatment and recovery; and
- minimise the use of specified hazardous substances in vehicles.

Enabling legislative provisions were incorporated into the *Protection of the Environment Act 2003* - which inserted a new part VA in the *Waste Management Act 1996* - to facilitate the transposition and implementation in Ireland of the Directive. In this context, the *Waste Management (End-of-Life Vehicles) Regulations 2006* (S.I. No. 282 of 2006), which were made following the completion of a public consultation process and came into effect on 8<sup>th</sup> June 2006, fully transpose the provisions of Directive 2000/53/EC on end-of-life vehicles and are intended to facilitate its implementation in Ireland.

## OVERVIEW OF THE REGULATIONS

### **Background/Targets required**

The *Waste Management (End-of-Life Vehicles) Regulations 2006* place obligations on producers - vehicle manufacturers and importers - to establish national collection systems for the recovery and treatment of end-of-life vehicles. Typically, an end-of-life vehicle will be a passenger car or a light commercial van that the registered owner wishes to dispose of as waste. From 1 January 2007 owners of intact end-of-life cars and vans can deposit them free-of-charge at authorised treatment facilities.

Under the regulations, each producer's national collection system is required to have at least one authorised treatment facility in every city and county council area that will provide free take-back for vehicles of that producer's brand or for which that producer has responsibility. Producers are required to have additional authorised treatment facilities in place in those counties and cities with a larger population base (i.e. one additional facility for each additional 150,000 persons in the relevant county or city).

The regulations also introduce new environmental standards to ensure that when a car is scrapped, as much material as possible is recovered and recycled and that it takes

place in a way that does not harm the environment. Under the regulations, producers and authorised treatment facilities are required to meet new recovery and recycling targets for end-of-life vehicles of -

- 85% reuse / recovery by average weight per vehicle deposited for appropriate treatment by 1 January 2006 (to include 80% materials recycling); and
- 95% reuse / recovery by 1 January 2015 (to include 85% materials recycling).

### **Authorised Treatment Facilities (ATFs)**

An authorised treatment facility is a facility where the collection and storage and treatment of end-of-life vehicles may take place. Authorised treatment facilities must operate under a waste licence or waste permit, as appropriate, in accordance with Section 39 of the *Waste Management Acts* and any Regulations made thereunder. A facility should meet the standards set out in the *Second Schedule* of the Regulations, which are in accordance with the provisions of Annex I of Directive 2000/53/EC, in order to be granted a permit or licence to operate as an authorised treatment facility. An authorised treatment facility may participate in a producer's national collection or may operate independent of any producer's system.

### **Producer Responsibility**

This is a producer responsibility initiative based on the *Polluter Pays Principle*. Under the Regulations and in broad terms, obligations are imposed *inter alia* on producers to establish a national collection systems – comprising of authorised treatment facilities - for the recovery and treatment of end-of-life vehicles, register with each local authority and submit an Implementation Plan / Annual Report / Registration Fee, keep records, restrict the use of specified hazardous substances in the manufacture of vehicles, use component and material coding standards, provide technical documentation and make available dismantling information for new vehicles within six months of their being placed on the market.

While the Directive allows for either a collective scheme or an “own marque” self-compliance approach, collective schemes by their very nature are voluntary and in the case of Ireland the necessary consensus between the relevant stakeholders did not emerge notwithstanding the lengthy and protracted negotiations held since the formal adoption of the Directive. Consequently, the Regulations provide solely for an “own marque” system of self-compliance.

### **Public Responsibility**

Under article 35 of the Regulations, where the registered owner of a specified vehicle intends to discard that vehicle as waste, he or she is required to deposit that vehicle at an authorised treatment facility for appropriate treatment and recovery.

### **Certificates of Destruction**

From the 1 January 2007 onwards, on the deposit of an end-of-life vehicle at an authorised treatment facility for appropriate treatment and recovery, the owner or operator of that facility shall issue a certificate of destruction to the registered owner, an authorised person of a local authority or a member of An Garda Síochána and all relevant information relating to that certificate of destruction shall be noted on the *National Vehicle File*.

## **Materials and Components exempt from Article 28 (Prohibition of Heavy Metals)**

Part IV of the Regulations imposes obligations on producers to ensure that the materials and components of vehicles do not contain lead, mercury, cadmium or hexavalent chromium other than in cases specified in the *Fourth Schedule* of the Regulations and that technical documentation must be made available by the producer to verify compliance with these requirements.

### **Registration fees**

In making an application for registration to each local authority, producers must pay the following registration fees to each local authority -

- (a) €1,000 for producers whose annual turnover was less than or equal to €50,000,000
- (b) €2,500 in respect of producers whose annual turnover was greater than €50,000,000 but less than or equal to €100,000,000
- (c) €6,000 in respect of producers whose annual turnover was greater than €100,000,000.

Small producers i.e. those whose turnover is less than or equal to €1,000,000 and who place less than 10 vehicles on the market will only have to register with the local authority where their headquarters is located and pay an annual fee of €1,000.

Registration fees will be reviewed by the Minister from 1 October 2007 after which the Minister may set the fees at a greater or lesser level than those currently provided for.

## **SITE AND FACILITY REQUIREMENTS**

The *Second Schedule* of the Regulations contains the minimum technical requirements for appropriate treatment and recovery (including storage) of end-of-life vehicles in accordance with Directive 2000/53/EC. These requirements essentially relate to what is required by an authorised treatment facility regarding site layout with respect to environmental protection, and the depollution operations to be performed in line with the ELV Directive requirements.

In summary, the *Second Schedule* of the Regulations contain the following with respect to the **site** requirements:

### **Storage areas should have -**

- impermeable surfaces for appropriate areas with appropriate spillage collection facilities;
- equipment for the treatment of water, including rainwater.

### **Treatment areas should have -**

- impermeable surfaces for appropriate areas with appropriate spillage collection facilities;
- equipment for the treatment of water, including rainwater;

- appropriate storage for dismantled spare parts, including impermeable storage for oil-contaminated spare parts;
- appropriate containers for storage of batteries (with electrolyte neutralisation on site or elsewhere), filters and PCB/PCT-containing condensers;
- appropriate storage tanks for the segregated storage of end-of-life vehicle fluids;
- appropriate storage for used tyres, including the prevention of fire hazards and excessive stockpiling.

### **What is meant by an ‘impermeable surface’?**

An impermeable surface means a surface or pavement, which is constructed and maintained to a standard which is sufficient to prevent the transmission of liquids beyond the pavement surface and should represent a sealed drainage system. This means that in practice the impermeable surface will not leak and will ensure that liquid run off is controlled and collected for storage in a sump or via appropriate licensed discharges to sewer or surface water.

How impermeable a surface is will depend to a great deal on how it is constructed and what use it is subjected to. The following would not be deemed acceptable -

- hard-standing composed of crushed or broken bricks or other types of aggregate;
- slabs or paving not properly joined or sealed;
- surfaces where spills or surface water will not be contained;
- tarmac surface where battery acid or heavy duty activity could likely damage the surface (this could depend on grade of tarmac and method of laying proposed);
- not acid resistant where, for example, batteries are stored.

### **What is meant by ‘Appropriate areas’?**

All depollution activity must take place, and vehicles that have not been fully depolluted must be stored, on an impermeable surface. Oil-contaminated spare parts must also be stored on an impermeable surface. All storage tanks, drums and other containers used for the storage of fluids should be stored within a bunded or silled area with an impermeable surface and be isolated from the drainage system.

Other areas of the site may be constructed to different standards, provided that where there is a risk of pollution an impermeable surface is applied. Vehicles that have been depolluted for example, could be stored or stacked in areas of hard-standing, however in these circumstances the operator would need to take steps to eliminate the risk of pollution of soils, groundwaters and surface waters from depolluted vehicles by ensuring that potentially contaminated waters are dealt with by a sealed drainage infrastructure. In particular, engine compartments should be protected from rain and storage areas for recovered parts and residual wastes also need to be monitored on a regular basis (visual inspection would suffice) to ensure adequate protection. In addition, spill kits to deal with spillages of oils, fuels and acids should be available.

As a general rule it is recommended that all surfaces be impermeable and that sealed drainage applies throughout giving flexibility to the site operator with respect to storage and treatment areas and ensuring that risk from residual liquid contamination is eliminated.

### **What is meant by ‘appropriate spillage collection facilities’?**

Appropriate spillage collection facilities are mostly covered by the sealed drainage system described above. However it would also include the provision of appropriate bunding and oil interceptors.

Bunding is a form of secondary containment for a scenario where there might be a loss or leak from the primary containment area (e.g. storage tanks). The bunding should be designed so as to take account of possible failures in the primary containment. The bunding should provide specification that allows for 110% of the capacity of largest tank or drum or 25% of the total volume of substance, which could be stored within the banded area. The banded or silled areas will require regular maintenance and inspections to ensure no spills or leakages have occurred. Reference should be made to EPA Guidance note for more detail (*IPPC Guidance Note on the Storage and Transfer of Materials for Scheduled Activities*);

[www.epa.ie/Licensing/IPPCLicensing/Publications](http://www.epa.ie/Licensing/IPPCLicensing/Publications).

Oil interceptors are important elements within the sealed drainage system. The separator generally recommended is a Class 1 full retention separator in accordance with *I.S. EN 858-2:2003*. The separator should be provided with an appropriate warning device for when required levels for maintenance have been reached and a sampling chamber, which has easy access. The separator should be inspected on a regular basis and records kept of oil levels. This inspection regime will determine the required maintenance times throughout the year.

Spill kits should also be located on site, which would cater for oils, fuels and acids. The kits should contain the appropriate level of protection and include items such as absorbent pads, containment booms, disposable bags, gloves, goggles and warning tape.

### **What is meant by ‘treatment of water, including rainwater’?**

Statutory responsibility for water management and protection rests primarily with local authorities. The *Water Pollution Acts 1977 and 1990* and regulations made thereunder, including regulations giving effect to EU Directives, constitute the main national legislation in this regard. The *Water Pollution Acts* enable local authorities to, inter alia, attach appropriate pollution control condition in the licensing of trade effluent discharges from industry, etc. made to waters or to sewers. The Environmental Protection Agency is responsible for water pollution insofar as activities licensable by the Agency may be involved. Discharge licences may define the frequency and level of testing required on effluent discharges, specific equipment and pollution prevention requirements to be installed and their level of monitoring including reporting requirements. Requirements may vary due to the site location, the nature and level of the specific activities being carried out on site and the characteristics of the receiving waters.

Trade discharges via the foul sewer system are legislated under section 16 of the *Water Pollution Acts 1977 and 1990* while section 4 controls trade discharges to surface waters where there are no connections to sewer. The conditions (suite of appropriate parameters and emissions limits) of such a discharge will be at the discretion of the relevant local authority and will depend to a great deal on level of treatment available locally (section 16) and the characteristics of receiving waters (section 4). It is an offence under the *Water Pollution Acts* to discharge trade effluent to sewer and/or surface waters except where an appropriate discharge licence is in place.

The *Waste Management (End-of-Life Vehicles) Regulations 2006* require the treatment of water, including rainwater. Contaminated water must be dealt with as above while rainwater, which is not contaminated (i.e. clean water collected from roof-tops and not interacting with site processes) can be dealt with by surface water drains which discharge to surface waters or soak-away.

There should be no discharge to groundwater and where a septic tank is in operation for on site treatment of waste generated from staff facilities, then reference should be made to the following publications with respect to installation and maintenance -

- *Wastewater Treatment Manuals - Treatment Systems for Single houses* - EPA 2000
- *Groundwater Protection Responses for On-Site Systems for Single Houses* - Geographical Survey of Ireland, Dublin.

### **What is meant by ‘appropriate storage’?**

Some parts such as the engines themselves, oil filters and batteries will require appropriate storage so that oil/acid does not escape. Oily parts must be stored on an area with an impermeable surface and a sealed drainage system as described previously. The storage containers should also have adequate labelling.

**End of life vehicle fluids** should be stored separately so that rates of recovery, recycling and reuse can be optimised, although there is no point in providing for separate storage if the fluids cannot be recovered, recycled or reused individually. However it is important to note that fluids which are categorised as hazardous waste under the EWC may not be mixed unless they fall within the same EWC code. Hazardous and non-hazardous wastes may not be mixed. All separately stored fluids should be clearly labelled as to contents. Storage tanks or drums must be sufficiently robust to ensure that no accidental leaks take place.

Refrigerants must be removed using specialist equipment, which transfers the fluid to a liquid gas type collection cylinder. The type of **refrigerant** used in vehicle air conditioning systems will be marked on the vehicle. CFCs e.g. R12, which are likely to be found in older vehicles are Ozone Depleting Substances and as such are regulated by *The Control of Substances that Deplete the Ozone Layer Regulations 2006 (S.I. No. 281 of 2006)*, which entered into force on 1 June 2006. These must be recovered for destruction. A draft guidance note on Ozone Depleting Substances can be accessed at the EPA website address given below -

<http://www.epa.ie/TechnicalGuidanceandAdvice/ODS/>

A Regulation covering certain fluorinated gases, Regulation (EC) No 842/2006 has recently been published. HFC refrigerants, e.g. R134a, are required to be recovered for recycling, reclamation or destruction.

Secondary containment should also be provided in the form of bunding (wall or barrier), which restricts the flow of substances and contains it within a particular area. Bunding should conform as a minimum to the volumes already specified above (i.e. not less than 110% of the capacity of largest tank or drum or 25% of the total volume of substance, which could be stored within the bunded area).

**Tyres** should be removed and stored in a way so that the risk of fire is minimised. Stockpiling of tyres should be avoided. The tyres should ideally be stored in stable stacks not rising above 3 metres in height and individual stacks should have adequate separation distances from each other (i.e. 6 metres or more) and no tyres should be stored within close proximity to a site boundary.

#### **What is meant by ‘appropriate containers’?**

Batteries should be handled carefully and stored in secure containers on impermeable surfaces. As highlighted above an impermeable surface must be acid resistant where batteries are being stored. The process of electrolyte neutralisation may be classified as an IPPC activity whether it takes place on or off site.

All containers should be secure so that oil, battery acids or other fluids cannot escape from them and so that liquids such as rainwater cannot enter them. They must also be labelled so as to easily identify their contents.

#### **What other site conditions may be required?**

While the Regulations are without prejudice to existing legislation as regards safety standards, air and noise emissions and protection of water and soil resources, it is important to highlight the need for operators to ensure that all adequate precautions are taken with respect to preventing undue noise, fumes, dust, grit or other nuisances during the course of activities on site which could potentially have significant impact on residential, commercial or amenity areas which lie outside the site boundary. There should be no clearly audible tonal component or impulsive component in the noise emission from the activities on site at any noise sensitive location. If a noise survey is required to verify sound pressure levels, the methodology should be in line with the EPA’s *Environmental Noise Survey Guidance Document*. Measures should also be taken to ensure that sufficient and continuous control of vermin and insects is present on site.

Many of the elements discussed above will need time for implementation. It is expected that some form of conditioning plan could be employed thus providing some scope for operators to get an *Environmental Management System* in place over a specified time frame. It is envisaged that some operators currently licensed will require some time to bring their operations up to a level, which is deemed appropriate. The time allowed is best judged on a case-by-case basis. The operator should submit within the specified time a revised layout map and detail relating to location of the following -

- waste inspection and quarantine areas;
- depollution areas and containment areas, including bunding;

- storage for treated and untreated vehicles;
- integrated drainage showing impermeable surfaces, natural drainage flow, Class 1 interceptor, sampling points, stormwater discharges, septic tank and percolation areas.

In a situation where an operator may cease to operate indefinitely or for a period greater than six months he/she should make provisions to render safe or remove ELVs for disposal/recovery, hazardous liquids, buildings, plant or equipment or other waste that may cause pollution. This should be done to the satisfaction of the relevant local authority and any investigations concerned with compliance in this area would be carried out by the operator. Several of the requirements for the ELV regulations will already be relevant to conditions laid down within the current permitting process, however, in order to provide guidance on this process, some useful websites are provided below -

[www.sepa.org.uk/pdf/guidance/waste/elvs\\_guidance.pdf](http://www.sepa.org.uk/pdf/guidance/waste/elvs_guidance.pdf)

[www.defra.gov.uk/environment/waste/topics/elv-guidance.pdf](http://www.defra.gov.uk/environment/waste/topics/elv-guidance.pdf)

[www.ehsni.gov.uk/environment/wasteManage/regulations\\_endlife.shtml](http://www.ehsni.gov.uk/environment/wasteManage/regulations_endlife.shtml)

#### **What wastes are likely to arise?**

A range of wastes types may arise as a result of the depollution of end-of-life vehicles or their subsequent treatment on site and reference should be made to the European Waste Catalogue (Commission Decision 2001/118/EC, as amended by Commission Decision 20001/119/EC and Council Decision 2001/573/EC) in relation to the wastes permitted on-site. The following table, though not exhaustive, could act as a reference for the most likely residual wastes arising -

**Table 1. EWC – Relevant Waste Types**

<b>EWC Number</b>	<b>Description</b>
13 01 09*	Mineral-based chlorinated hydraulic oils
13 01 10*	Mineral-based non-chlorinated hydraulic oils
13 01 11*	Synthetic hydraulic oils
13 01 12*	Readily biodegradable hydraulic oils
13 01 13*	Other hydraulic oils
13 02 04*	Mineral-based chlorinated engine, gear and lubricating oils
13 02 05*	Mineral-based non-chlorinated engine, gear and lubricating oils
13 02 06*	Synthetic engine, gear and lubricating oils
13 02 07*	Readily biodegradable engine, gear and lubricating oils
13 02 08*	Other engine, gear and lubricating oils

13 07 01*	Fuel oil and diesel
13 07 02*	Petrol
13 07 03*	Other fuels (including mixtures)
14 06 01*	Chlorofluorocarbons, HCFC, HFC
14 06 02*	Other halogenated solvents and solvent mixtures
14 06 03*	Other solvents and solvent mixtures
16 01 03	End-of-life tyres
16 01 04*	End-of-life vehicles
16 01 06	End of life vehicles, containing neither liquids nor hazardous components
16 01 07*	Oil Filters
16 01 08*	Components containing mercury
16 01 09*	Components containing PCBs
16 01 10*	Explosive components (for example airbags)
16 01 11*	Brake pads containing asbestos
16 01 12	Brake pads other than those mentioned in 16 01 11
16 01 13*	Brake fluids
16 01 14*	Antifreeze fluids containing dangerous substances
16 01 15	Antifreeze fluids other than those mentioned in 16 01 14
16 01 16	Tanks for liquefied gas
16 01 17	Ferrous metal
16 01 18	Non ferrous metal
16 01 19	Plastic
16 01 20	Glass
16 01 21*	Hazardous components other than those mentioned in 16 01 07 to 16 01 11 & 16 01 13 & 16 01 14
16 01 22	Components not otherwise specified
16 01 99	Wastes not otherwise specified
16 06 01*	Lead batteries
16 06 05	Other batteries and accumulators

\* Hazardous

Any person involved in the collection, treatment, reuse, recovery, recycling and/or disposal of any of the aforementioned wastes shall comply with all relevant provisions of the Waste Management Acts 1996 to 2005 and any Regulations made thereunder.

### **Where can I get information on the Depollution process?**

Article 8 of the ELV Directive requires producers to provide dismantling information. This requirement has been transposed into national legislation in Article 31 of S.I. No. 308 of 2006 and relates to the obligations placed on the producers of new cars to make available information on components and materials of cars with respect to reuse, recycling and recovery. Hazardous substances must also be identified. These obligations are also covered by Directive 2005/64 on the type approval of motor vehicles with regard to reusability, recyclability and recoverability.

Some useful websites on the sequencing of the various activities involved in the depollution of an ELV can be accessed at the following -

[www.idis2.com](http://www.idis2.com)

[www.defra.gov.uk/environment/waste/topics/elv-authorisedtreatment.pdf](http://www.defra.gov.uk/environment/waste/topics/elv-authorisedtreatment.pdf)

Some commercially available de-polluting solutions can be accessed at -

[www.rozone.co.uk](http://www.rozone.co.uk)

The depollution process itself and the materials dealt with should be carried out by trained operators as significant health and safety issues may arise in addition to the risk of environmental pollution. Owners and operators should ensure that they are aware of their responsibilities in relation to worker protection legislation and seek professional advice or the advice of the Health and Safety Authority if they have any concerns in this regard.

#### **Disclaimer:**

This document does not purport to provide a legal interpretation of the *Waste Management (End-of-Life Vehicles) Regulations 2006* – S.I. No. 282 of 2006. The Department of the Environment, Heritage and Local Government developed this FAQ as guidance to local authorities on establishing the minimum technical requirements for authorised treatment facilities in accordance with the *Waste Management (End-of-Life Vehicles) Regulations 2006*. Users of this FAQ should use the material provided therein for information purposes only. The Department of the Environment, Heritage and Local Government does not accept any responsibility whatsoever for loss or damage occasioned or claimed to have been occasioned, in part or in full, as a consequence of any person acting or refraining from acting, as a result of a matter contained in this document.