



An tÚdarás Sláinte agus Sábháilteachta Health and
Safety Authority

European Communities (Carriage of Dangerous Goods by Road and Use of Transportable Pressure Equipment) Regulations 2011 to 2023

Competent Authority Exemption 04/2024

Applicable to National Road Transport only

The carriage in bulk of SOLIDS or mixtures of solids (such as preparations and wastes) CONTAINING FLAMMABLE LIQUID, with a TOXIC sub-hazard

The Health and Safety Authority, as competent authority appointed under Regulation 10 of the European Communities (Carriage of Dangerous Goods by Road and Use of Transportable Pressure Equipment) Regulations 2011 to 2023, and in accordance with Regulation 5(4)(a), hereby exempts **Indaver Ireland Limited**, with consignor duties for the carriage of hazardous waste by means of contract of carriage, when transporting hazardous waste from customer sites to Indaver Ireland Limited's waste to energy plant in Duleek, Co. Meath, from assignment of the waste in accordance with ADR 2.1.3.5.5 to a UN number and packing group based on the consignor's knowledge of the waste.

There is currently no appropriate UN number in the UN Model Regulations for waste meeting the criteria of SOLIDS or mixtures of solids (such as preparations and wastes) CONTAINING FLAMMABLE LIQUID, with a TOXIC sub-hazard.

Under the provisions of this exemption, SOLIDS or mixtures of solids (such as preparations and wastes) CONTAINING FLAMMABLE LIQUID, with a TOXIC sub-hazard, may be carried as UN 3175, SOLIDS or mixtures of solids (such as preparations and wastes) CONTAINING FLAMMABLE LIQUID, N.O.S. having a flash point up to 60°C, with additional hazard communication information to reflect the additional subsidiary TOXIC hazard (documentation, label, placard).

The hazardous waste will remain as Class 4.1, packing group II, and the waste may be carried under the bulk provisions of ADR Chapter 7.3 permitted for UN 3175. In order to ensure compliance with other carriage conditions that would normally apply to substances possessing the additional toxic hazard, additional provisions that apply for UN 3243, SOLIDS, CONTAINING TOXIC LIQUID, N.O.S. are included as conditions of the exemption.

The transport operations for the carriage of this hazardous waste shall comply with the conditions stated in this exemption.

Supplementary Conditions:

1. The waste at each customer site shall be profiled and classified by the technical team of Indaver Ireland Limited specifically for that manufacturing site. Based on the information provided by the producer at each customer site, the technical team shall assess all the constituents of each individual waste stream, review the individual safety data sheets and classify the waste in accordance with the provisions of ADR Chapter 2. Only waste with the additional toxic subsidiary hazard shall be carried under the provisions of this exemption.
2. The transport document for each transport operation under this exemption shall refer to this exemption and shall identify the waste as classified as UN 3175, with the inclusion of the additional subsidiary toxic hazard. The two technical names shown in parentheses under the provisions of ADR 3.1.2.8 shall be determined based on the assessment of the technical team. In accordance with ADR 3.1.2.8.1.2, one of the two technical names shown in parentheses shall be the name of the constituent which compels the use of the subsidiary toxic hazard.
3. The waste shall be carried under the bulk provisions of ADR 7.3 permitted for UN 3175, which include BK1, BK2, VC1, VC2 and AP2.
4. Mixtures of solids meeting the criteria for UN 3175 and toxic substances may be carried under this exemption without first applying the classification criteria of Class 6.1, provided there is no free liquid visible at the time the substance is loaded or at the time the packaging or cargo transport unit is closed. This exemption shall not be used for solids containing a packing group I toxic substance.
5. The solid waste, which will not contain any free liquid or loose powder, shall be packed into sealed liners at source. The sealed liners shall be packed into a sheeted closed container that is dedicated to each customer site.
6. Carriage in bulk shall only be as a full load.
7. The container shall be marked and placarded in accordance with ADR 5.3, and shall be marked and placarded in accordance with the provisions for UN 3175 and with the additional subsidiary toxic hazard.
8. If any substances have leaked and been spilled in a vehicle or container, it may not be re-used until after it has been thoroughly cleaned and, if necessary, disinfected or decontaminated. Any other goods and articles carried in the same vehicle or container shall be examined for possible contamination.
9. Loading, unloading and handling provisions shall comply with ADR 7.5.4 regarding precautions with respect to foodstuffs, other articles of consumption and animal feeds.
10. During carriage under this exemption, stops for service requirements shall as far as possible not be made near inhabited places or frequented places. A longer stop near such places is permissible only with the consent of the competent authorities.
11. The provisions of Chapter 8.4 concerning the supervision of vehicles shall apply when the total mass of loads in the vehicle exceeds 5000 kg.

12. Emergency procedures shall be developed and implemented for the carriage of solid waste under the provisions of this exemption. Operators shall be trained in relation to these procedures.
13. In all other respects, the transport operations performed in accordance with this exemption shall comply with the relevant requirements of ADR.
14. A copy of this exemption must accompany the transport documentation and shall be made available to anyone who has a legitimate interest in the transport operation.
15. This exemption is valid until the date of expiry, provided no changes are made to the ADR which would affect the exemption in the intervening period.
16. The Authority may withdraw this exemption for failure to observe any of the listed conditions or for any other reason which the Authority deems sufficient.
17. Any incident resulting in loss of containment of a substance during the transport journey shall be reported immediately by the participant in control of the transport operation to the emergency services and to:

Health and Safety Authority
The Metropolitan Building
James Joyce Street
Dublin 1
D01 K0Y8

Email: contactus@hsa.ie

Phone: 0818 289 389

This exemption is effective immediately and expires on **30 June 2029**.

Date: 16 February 2024



Conor O'Brien
Chief Executive Officer
Health and Safety Authority