



Household Waste Consultation,
Waste Policy & Resource Efficiency Section,
Department of Environment, Community and Local Government,
Newtown Road,
Wexford

30th January 2014

Re: The Regulation of Household Waste Collection – Consultation Document

Dear Sir/Madam,

The Irish Waste Management Association (IWMA) welcomes the opportunity to participate in the consultation on The Regulation of Household Waste Collection. The IWMA is the voice of the private waste management industry in Ireland. IWMA members are active in every county in Ireland and contribute to the management of waste at each level of the waste hierarchy. Our membership includes small, medium and large companies, with some operating internationally, managing both hazardous and non-hazardous wastes.

We employ more than 5,000 staff in waste collection and treatment and we operate approximately 50 licensed or permitted waste management facilities in Ireland. These facilities have approved capacity to process several million tonnes of waste per annum. This processing includes segregation, transfer, mechanical treatment, biological treatment, solid recovered fuel production, incineration and landfill.

It is clear therefore that our members will be impacted by new regulations relating to household waste collection, but it is also clear that our members have a significant contribution to make to the current consultation.

As an overall comment, we compliment the Department on the consultation document and the overall consultation process, including direct engagement with the waste industry. It is clear to us that the Department is intent on working with the industry to find the best way to regulate household waste collection in Ireland and to assist the waste industry in providing a more efficient and effective service for the benefit of householders and society in general.

The consultation document also addresses the 'big picture' issues with regard to the provision of infrastructure and the management of fiscal and other measures that are needed to achieve the preferred outcomes in an open market scenario. We welcome this approach and we are confident that the preferred outcomes will be achieved, so long as certainty exists for investors.

We ask at this point that the Department provides certainty on the future of the existing open market structure in waste collection, as we suggest that the threat of a review by the

Competition Authority in 2016 is a barrier to investment in waste management infrastructure in Ireland. The ramifications of a change to the market structure are significant and this uncertainty stifles investment and results in stagnation.

A second important barrier that needs to be resolved is the uncertainty surrounding the Poolbeg EfW project, which is addressed later in our submission. The size of this project is such that it is expected to impact on all alternative waste management infrastructure planned in Ireland, so stagnation on this project causes stagnation across the whole industry.

Our answers to the consultation questions are provided below.

Questions & Answers

- (1) What are your views on the level of awareness, information and education that needs to be provided to householders to assist them in waste prevention and source segregation techniques? How best can the representatives of the producer responsibility sector, local authorities, waste collection companies, the public sector and the business community work in partnership to promote awareness?

Householders receive information from many sources and may be receiving mixed messages in some cases. A co-ordinated effort is required that provides consistent and repeated messages to all householders in the country. A national campaign backed by a National Website and fliers distributed by waste companies to their customers would probably get the best results. Consistent messages must be agreed in advance and centrally co-ordinated.

- (2) What are your views on the operation of the current commingled collection service for dry recyclables? Are there ways that the performance of commingled collections could be improved to increase the quality of household material being collected for recycling / recovery? (e.g. by lowering contamination rates, or by prohibiting the collection of glass containers in commingled dry recyclable collections).

Commingled collections are inconsistent across the country and standardisation would be helpful in offering a consistent service and sending consistent messages to householders through a Nationally co-ordinated awareness campaign.

The IWMA has a subcommittee that is considering suitable materials for the commingled bin and attempting to find a consistent approach that could be rolled out by all IWMA members. This subcommittee has met with Repak and proposed a list of acceptable materials for commingled dry recyclable bins. That list is included in Appendix A below.

- (3) Should local authorities, at a local or regional level, be given the flexibility to introduce more stringent requirements regarding the segregation of household waste?

No. National consistency would be a major step forward and individual local authority decisions would introduce a barrier to such consistency. Waste trucks cross county boundaries every day of the week and it is not practical for the rules to change at county boundaries.

- (4) What are your views on the requirement that all household waste collection firms without exception provide, at a minimum, a residual waste collection, a recyclates collection,

and, in the specific circumstances [as set out in the European Union (Household Food Waste and Bio-waste) Regulations 2013,] an organic bin collection. Non-compliance with the above minimum requirement would result in action being taken against a household waste collector seeking to have their permit revoked. Would it be preferable for the above requirements to be included as 'binding obligations' in national legislation as opposed to being attached as conditions in particular functional areas?

Yes. The IWMA supports binding regulations of this nature and the same regime should be applied to PTUs if they are allowed to continue to operate in selected areas. Waste collection permit regulations have been inconsistently enforced from county to county and National consistency is now required with equal enforcement across all counties.

- (5) Do you think legislation should also provide the possibility that action can be taken against a non-compliant operator to seek to have their permit suspended (in addition to the possibility of seeking to have a permit revoked) for non-compliance with the legislation?

Yes and we suggest that this would require equal enforcement across the State, rather than enforcement actions based on Local Authority decisions on a county by county basis. In order to provide a level playing field, this must be co-ordinated nationally and all companies must be convinced that their permit will be suspended or revoked in the event of failure to comply with the regulations or collection permits.

The degree of non-compliance should also be considered here and enforcement action should consist of an appropriate reaction to the scale and nature of the offence.

- (6) In what limited circumstances are pay-to-use compactors (PTUs) appropriate for waste collection purposes?

We consider that there is very little need for PTUs in Ireland as the waste industry provides kerbside collection services to all but the most remote or inaccessible parts of the country.

PTUs should therefore be limited to areas where waste collection vehicles cannot physically gain access to houses, e.g. remote rural areas or areas with limited access due to a narrow road or bridge. It should be incumbent upon PTU operators to account for their customers and to demonstrate that these customers have no access to kerbside waste collection. PTUs should be operated by Smart Cards issued to the houses or individuals that they are designed to serve.

In this way, it will be possible to monitor the usage of the PTUs to help ensure that the users are segregating waste and not contaminating the recyclable and organic compartments with residual wastes or hazardous wastes. This would not provide full traceability but would allow a level of control more consistent with that required via kerbside waste collection. It would also allow easier investigation and better monitoring of illegal dumping and backyard burning. The availability of PTUs allows householders that are dumping or burning illegally to claim that they use a local PTU, as an excuse for not availing of a kerbside waste collection service.

Properly managed caravan parks, holiday home villages, ports and inland marinas are all serviced by waste collection companies and summer services are provided in many areas where there are clusters of holiday homes so these areas do not require PTUs.

Campers vans should be serviced by the companies that rent these vehicles and camper van users often spend nights at serviced locations where waste disposal and recovery infrastructure is normally provided alongside other sanitary services.

PTUs should never be available to the general public as they undermine kerbside collection services and give illegal dumpers an excuse for not having a waste collection service. Where PTUs are allowed, they should be only available to those that have no access to kerbside waste collection. PTUs that accept cash or where cash is accepted on the premises should be banned. They should only be operated by smart cards issued to known customers that have no access to kerbside waste collection, e.g. camper vans, Shannon Cruisers, etc.

- (7) Should a condition be included in waste collection permits to require a waste collector to demonstrate how they are monitoring the potential contamination of waste streams being collected, including ensuring that other waste streams (such as PRI waste with other dedicated collection systems) are not being disposed of through the household waste collection service?

No. Such a condition would be difficult to enforce equally across the country. This issue is market driven as it is of economic interest for waste collectors to reduce contamination levels in their bins.

- (8) Given that 53% of (managed) household waste was disposed to landfill in 2011 and that the policy aims to virtually eliminate landfill by 2020, what are your thoughts on the potential following measures:

- a) the application of landfill bans on particular waste materials at this time or in the future?

This is not considered necessary unless it is mandated by EU Law. The 53% figure from 2011 has been greatly reduced due to the landfill levy increase to €75 per tonne, so that instrument has been very successful in achieving that particular goal. According to EPA sources, Ireland's 2016 target for diversion of biodegradable waste from landfill was achieved in the first half of 2013, so additional measures are not currently required.

- b) further increases in the rate of the landfill levy?

For the reasons stated above, this is not necessary at this time.

- c) removing the exemption from the landfill levy for further waste materials?

For the same reasons as stated above, this is not necessary. Furthermore, it is essential that the exemption for "stabilised waste arising from the composting or anaerobic digestion of the biodegradable fraction of municipal waste ..." is maintained, so that the development of essential alternative treatment infrastructure

is encouraged. Indeed, it is noted that the removal of this exemption would not contribute to the elimination of landfill.

The best current environmental option for management of some waste materials is landfill and this should be an important consideration in levy exemptions. For example, the IWMA is seriously concerned that some permitted C&D waste processing facilities are sending C&D fines to unlined sites where they will inevitably cause contamination of the water environment, due to high sulphate levels caused by the gypsum layer in plasterboard.

We suggest that introducing a specific landfill levy exemption for this material would result in higher rates of landfill but better environmental control and less future clean-ups. The IWMA has consistently called for enforcement in this area as unscrupulous operators have a competitive advantage over our members and are winning business in a way that is lowering environmental standards and leading to serious problems down the road.

Whilst C&D waste lies outside the scope of this consultation, this issue impacts on the skip business in general, and this in turn impacts on the collection of skips from households and commercial premises. It is important that unscrupulous skip collection operators do not gain a competitive advantage over compliant operators.

- d) providing appropriate legislative support for enforcement activities of the EPA in relation to landfill gate fees and financial guarantees for licensed facilities?

This is considered a wider issue than the household waste collection consultation, so we have no comment on this issue at this time.

- (9) Are there economic or other instruments you think could be explored or introduced to further encourage the development of recycling and recovery infrastructure within the State for managing household waste in accordance with Article 16 of the Waste Framework Directive? For instance, should measures to confine the export of household waste to encourage the development of indigenous recovery infrastructure be considered?

Restricting the export of MSW at this time could jeopardise meeting the Landfill Directive targets for diversion of biodegradable municipal waste. The immediate response to such a restriction is expected to be a move to export RDF instead of MSW. This will create MSW fines (organic fines) that will require stabilisation prior to landfill. Any such restriction on MSW exports should consider available capacity for stabilisation of the organic fines, as a lack of capacity in that area would result in a greater problem.

Ireland currently has adequate infrastructure for mechanical separation of materials for recycling and recovery and this has been developed progressively to meet the demand for materials collected in segregated collections and at bring banks and civic amenity sites. We expect that this infrastructure will continue to be developed by the private waste industry to meet demand.

Processing of recyclables such as paper, plastics, metals, etc is a global business and the Irish market is a tiny fraction of that business, so development of re-processing

(recycling) infrastructure in Ireland for these materials is unlikely to ever be based on the Irish market alone.

Heavier materials such as wood, glass, compost and aggregates are more suited to local markets than global markets, so the DECLG should concentrate on encouraging recycling infrastructure in these areas rather than the global commodities.

The preferential electricity tariffs for Anaerobic Digestion (AD) in Northern Ireland has seen a huge growth in AD development in that jurisdiction in the last few years. This has been to the detriment of AD development in the Republic of Ireland and that situation should be considered by the Irish Government. We call for higher Refit Tariffs to reverse that trend and encourage greater development of AD in the Republic of Ireland.

The use of SRF by the Cement Kilns in Ireland has provided indigenous waste recovery infrastructure that was not foreseen in previous waste management plans and policies. Waste management is a dynamic and evolving business and many new technologies and opportunities present themselves on a regular basis. Market development studies should focus on materials that can be traded locally rather than globally and perhaps lead to new recycling infrastructure in Ireland.

The Poolbeg incinerator project has been a major barrier to the development of other waste recovery infrastructure in Ireland. Every project must have a business case that can compete against a gate fee likely to be offered by a 600,000 t/a incinerator, that has not been developed but is constantly in the background as a threat to all other developments. The IWMA has consistently argued that 600,000 t/a is too large for a facility designed to serve the Dublin Region, so the impact of the proposed size of the Poolbeg project is felt countrywide. The Association's view is that if a smaller facility were constructed, i.e. with less capacity, this would provide a stimulus to achieve higher recycling and recovery levels. Excess capacity as currently envisaged negatively influences the drivers to recycle more materials or the incentive to introduce innovative systems. In the longer term it will reduce competition in the marketplace and diminish processing options for waste materials.

Any commentary on the development of more waste recovery infrastructure in Ireland and the impact of exporting MSW, cannot ignore the impact of the proposed Poolbeg project. We suggest that the DECLG does not restrict the export of MSW until such time as adequate waste recovery infrastructure is constructed in Ireland.

In summary, the market needs certainty to facilitate the development of waste management infrastructure. The two greatest uncertainties currently in the market are the Poolbeg project and the commitment in 'A Resource Opportunity' to revisit the issue of Competitive Tendering in household waste collection in 2016.

The DECLG needs to send clear signals to investors on these two issues. In our experience, there are plenty of investors willing to invest in waste management infrastructure in Ireland recognising that this is an open market for waste collection, but these investors need the reassurance that the market is not going to be turned on its head in 2 years time. Investors can feel secure without long term contracts in an open market so long as it remains an open market into the medium term. Infrastructure has been developed successfully across the EU for commercial wastes collected in a merchant (open market) structure and household waste collection in Ireland currently fits

into a similar model and investors can rationalise the risks and rewards associated with this scenario. It is the fear of a change to the market structure that makes investors nervous, so clear signals from the DECLG are needed to promote this investment.

- (10) In addition to measures already introduced or proposed, including the landfill levy, the roll out of the brown bin and the potential introduction of pricing structures which incentivise householders to manage their waste in accordance with the hierarchy, are there further measures (e.g. the provision of information on the various waste types that can be deposited in the dry recyclables bin) you deem necessary to give effect to the waste hierarchy in the context of household waste collection?

Awareness, as discussed earlier is an important issue in this context. Householders need to be aware of their obligations in terms of having a waste collection service, minimising waste and avoidance of contamination of the dry recyclable and organic bins. Better awareness should result in improvements amongst the majority of householders. Key to increasing awareness is the inclusion of proper information in the education curriculum taught across the country on how people should manage their waste. Enforcement action is likely to be necessary for a minority.

- (11) Do you think it necessary for the introduction of further mandatory segregation at source of household waste (e.g. paper, metal, glass, plastic and glass) at this time?

No. The MRFs that have been constructed in Ireland are designed to separate commingled dry recyclables and as we have no processing facilities for paper, metal and plastics, there would be no great advantage in collecting these materials separately. The economic and environmental costs of providing extra collections and asking householders to segregate more, would outweigh the advantages that would be gained from these segregated collections.

The biggest sorting problem tends to relate to mixed light plastics contaminating paper bales and whilst this is not a problem at paper mills, as it only counts for a few percent, it appears to be a major problem for the National Trans-frontier Shipment Office (NTFSO) which has taken many prosecution actions against waste companies that export paper bales. Waste companies are vigorously defending these allegations and very significant resources are being expended by all parties.

The NTFSO actions could lead to the non-acceptance of light plastics from the commingled recycling bin. Light mixed plastics currently have no value for recycling and usually end up in RDF or SRF regardless of whether they are deposited in the dry recyclables bin or the residual bin. Waste companies are accepting these plastics for free but their recovery incurs a significant cost and as mentioned above, they create a minor contamination problem. The EU Commission is currently considering proposals to implement higher targets for future recycling of plastics, in preference to recovery options. Therefore it may be prudent for the DECLG to engage with the NTFSO on this issue, before waste companies decide to ban light plastics from the dry recyclable bins (an action that will be difficult to reverse once implemented)

- (12) What are your views on the following collection frequencies being mandated in national legislation (i.e. non-compliance with the below minimum requirements will result in action being taken against a household waste collector seeking to have their permit revoked) :

- a. household waste collectors provide a mixed dry recyclates collection at least every fortnight;
- b. an organic bin collection is provided at least every fortnight, in accordance with the European Union (Household Food Waste and Bio-waste) Regulations 2013; and,
- c. a residual waste collection is provided no more frequently than the collection of the organic bin, however, a collector may have a more frequent residual waste collection service in circumstances where there is an acceptable pricing structure to ensure that a financial disincentive exists for using the residual bin.

Agreed in principle. The 'acceptable pricing structure' mentioned in Part C, should be decided nationally rather than locally.

- (13) Are there any other issues you wish to raise in relation to mandated service levels?

PTUs, if and when allowed, should be subject to the same mandated service levels as waste collection companies.

- (14) Should the practice of household waste collection companies charging a single flat rate fee (annual or other periodic fee) be expressly prohibited in legislation given that the practice appears to run contrary to the ideals of the polluter pays principle and the waste hierarchy?

Yes.

- (15) Given the overwhelming arguments in favour of the per kilogram weight form of Pay-by-use, on what basis should it be introduced and what are the appropriate transitional arrangements?

We suggest that it would require about 12 months to provide this Nationally.

- (16) In order to incentivise source segregation of organic waste by householders in the brown bin, how can the charging system be designed and structured so as to avoid wilful consignment of non-organic material to the brown bin? What is the appropriate balance between the rate per kg for organic waste deposited in the brown bin and the rate per kg for residual waste deposited in the black bin?

IWMA members have a range of views on this question, so we suggest that the DECLG notes the comments of each company and makes an informed decision on that basis. It is worth noting that composting of organic waste is a significant cost.

- (17) Should a 'pay per weight (per kg)' charging system be mandatory for household waste collection, how can the balance between the variable cost 'pay per weight (per kg)' element of the charge and the fixed cost (standing charge) element of the charge be best achieved?

Some, but not all, IWMA members are in favour of mandatory 'pay by weight', but almost all are in favour of some form of incentivised pricing structure.

We suggest that a fixed element is necessary to cover the provision of bins and cover the cost of driving the routes.

Existing bye-laws are inconsistent on this issue and we suggest that any new regulation imposing mandated pricing structures should over-ride all existing and future bye-laws.

- (18) Traditionally in many instances the dry recycle bin has been provided 'free of charge' by waste collection operators. Do you consider it appropriate that the green bin for dry recyclables should continue to be collected free of specific charge?

No. There could be a charge for the dry recycles bin as the cost of collecting and recovering the materials is greater than their value. A free bin also impedes efforts to prevent waste and encourages contamination.

- (19) What do you think of the proposal that where a standing charge is being applied, that it should be uniform, i.e. an operator would be obliged to impose the same standing charge for the provision of 3 bins or 2 bins (where the householder is disposing brown bin waste in accordance with the European Union (Household Food Waste and Bio-waste) Regulations 2013)?

This would remove the financial incentive for householders to return brown bins, so it is considered a positive move towards increasing recycling rates for organic wastes.

- (20) What are your views on a regulatory approach whereby non-compliance with any new pricing structure requirements would result in action being taken against a household waste collector seeking to have their permit revoked?

We support this. Enforcement of conditions of waste collection permits has been inconsistent and lacking in the past, so compliant companies have been at a disadvantage and lost business to those that ignored the rules. Consistent and strong deterrents are now required to ensure a level playing field.

- (21) Do you consider it appropriate that any new pricing structure requirements which may be introduced should apply universally and be included as binding obligations in legislation as opposed to being attached to individual permits as conditions in particular functional areas?

Yes. Regional or local variations lead to inconsistent requirements across county boundaries which is impractical in many cases. These variations can also result in inconsistent enforcement which is unfair to many and often provides incentives for non-compliance.

- (22) Are there any other issues you wish to highlight in terms of pricing structures?

Not at this time.

- (23) Current legislation permits a local authority to regard a person as 'fit and proper', if it considers it proper to do so, even if the person has been convicted of a specified offence. Should a local authority still retain this flexibility or how should the circumstances whereby a person is considered as 'fit and proper' (notwithstanding the fact they have been convicted of a specified offence) be defined?

We understand that determination of a 'fit and proper person' is fraught with difficulties and always open to legal challenge. We are not aware of any cases where waste collection permits have been refused or revoked on this basis. Notwithstanding these limitations, we agree that waste collection permit holders should be required to demonstrate that they will conduct the business of waste collection legally and with adequate technical knowledge to comply with the specific requirements of their permit. It is easier to refuse a permit than to revoke one, so we suggest that the authorities fully verify claims made in waste collection permit applications and investigate cases where there is doubt. The cost of using such resources at the application stage is potentially much lower than the cost of legal challenges where the authorities attempt to revoke a collection permit.

- (24) Would you consider it reasonable that a household waste collection company/operator would have their waste collection permit revoked if they amassed a designated number of specified offences or administrative fines in a specified rolling period (e.g. mixing source segregated waste such as organic and residual waste in a collection vehicle)?

Yes, perhaps through a 'points' system similar to road traffic offences, with the ability of a company to appeal against the issuing of points, to ensure fairness. Co-ordinated national consistent enforcement would be required if such a scheme was to be introduced.

Any such scheme must also take account of the size of the waste collection company and the number of trucks employed. A company with more trucks would be more likely to accumulate penalty points, so the threshold for enforcement action should be higher for larger companies.

- (25) Should authorities be given additional powers to require collectors to furnish evidence that a person is 'fit and proper' in terms of qualifications, experience, financial provisions in relation to the company's ability to meet the financial commitments or liabilities that the EPA reasonably considers will be incurred in carrying on the activity?

Yes. The IWMA supports higher standards with respect to 'fit and proper person' criteria. Membership of recognised professional bodies by individual managers is also considered useful e.g. CIWM etc.

- (26) Is it necessary to have a specified level of both motor and public liability insurance to be considered a 'fit and proper' person?

Yes.

- (27) Do you agree that the technical competence of an applicant should include skills such as computer literacy for submission of annual returns? Do you think it appropriate that authorities could require a waste collector to undertake an accredited training course(s) to ensure they possess the required level of technical competence, particularly in the IT, corporate governance and record keeping fields?

Yes. It is important that data is accurately and consistently recorded in a format that can be used by the State when preparing statistical data for reporting to the EU.

- (28) Should there be an onus on operators to demonstrate that they are 'fit and proper' on an annual basis, such as a declaration that the operator has not been convicted of any

specified offences? Operators could be required to obtain a Certificate of Compliance from the National Waste Collection Permit Office on an annual basis based on such a declaration, which could also include, for instance, that the waste collector has submitted their annual data return under Regulation 20(2) (f) of the Waste Management Collection Permit Regulations. Are there other provisions which ought to be included in such a proposal (e.g. confirmation that a Customer Charter is in place, an appropriate pricing mechanism is in place etc.)?

Yes. This would be a more credible deterrent, compared with the threat of revoking or suspending a waste collection permit. All vehicles collecting household waste should be obliged to carry a copy of the up-to-date certificate of compliance to make it simple for the authorities to take action, that could include stopping and impounding trucks. However it is important not to introduce excessive paperwork into an already highly regulated environment – better enforcement rather than more regulation is prudent.

- (29) Are there any other issues you wish to raise in terms of only ‘fit and proper’ individuals/companies are allowed to hold waste collection permits?

Not at this time.

- (30) The waste collection permitting regime in general could be reformed in terms of introducing different classes of waste collection permit (based on EWC codes) and associated suitable permit fees. Permits could be granted on a national basis rather than on a regional basis. Each class of permit would have its own standard conditions. In terms of reforming the permit fee structures generally for waste collection, including household waste collection,

- (a) What are your views on the following classes of waste collection permit being established?

The classes seem reasonable but clarification is required. We strongly urge that operators are covered by a single permit even if this permit covers several classes of activity. A requirement to hold several collection permits simultaneously would lead to extra bureaucracy for waste collection companies.

- (b) Are there other ways of restructuring permits which you would see as more beneficial / practical?

Perhaps, but this requires further engagement with the waste collection companies as there is likely to be a divergence of views on this subject.

- (c) Do you think it reasonable that a cap would be set for the fees for waste collection firms who would require more than one permit?

Yes, but we suggest that there should only be one permit for each collector, with the potential for several classes of activity to be included, as mentioned above.

Class	Description	Fee
Class 1	Collection of waste for preparation for re-use (registration only)	A
Class 2	Haulage of bulked waste from authorised waste facilities (non-hazardous)	B
Class 3	Haulage of bulked waste from authorised waste facilities (including hazardous)	C
Class 4	Single code /waste type, (non-hazardous) collection e.g. scrap metal, septic tank sludge, C&D	D
Class 5	Single code / waste type, (including hazardous) collection e.g. oil interceptor, ELV's	E
Class 6	Multiple waste type collector (non-hazardous waste)	F
Class 7	Multiple waste type collector (including hazardous waste)	G
Class 8	Household kerbside waste collector	H

- (31) Taking into account the need for the cost of a household waste collection permit to reflect the economic value of collecting the waste; the risk associated with undertaking the activity; and the cost of enforcing the permit, at what level do you think the household waste collection permit fee should be set? Should the fees be different for the various classes of Collection Permit as proposed in previous question?

We are reluctant to suggest a fee as it would be difficult to get consensus from our members on this issue.

- (32) Is there merit in structuring the fee in such a way that there is a fixed element and a variable element to the fee, so as to reflect the risk associated with larger volumes of waste being collected? For instance, what are your views on the fee comprising a fixed charge price plus a variable charge (based for example on the number of waste collection vehicles used by an operator)?

We suggest that this could be considered for most permit types, but should be avoided for municipal waste collection, including both household and commercial wastes or if imposed in these cases, the cost should be heavily weighted towards the fixed charge. We suggest that the minimum fee for a permit to collect household or commercial waste should be high enough to deter the 'man in the van', as these operators are generally incapable of providing adequate administration to supply data to the State and often have serious difficulty complying with their permits.

- (33) Is there merit in structuring the permit fee do that the enforcement cost element is clearly distinguishable?

Yes

- (34) Should waste collection permits be issued only at a national level or is there still a need for regional permits?

The permits should be nationally consistent and we suggest that National Permits would be the best way to achieve this. We fail to see the merit in Regional permits.

- (35) Are there any other issues you wish to raise in terms of waste management collection permit fees?

Not at this time.

- (36) See question 28 in relation to an operator being requested to confirm annually that they have a customer charter which meets specified requirements.

We agree with this.

- (37) Are there further conditions, additional to those listed above, which should be included in a customer charter, such as the provision of better or more information to customers on preventing and segregating waste?

The Customer Charter that was prepared by the IWMA and is currently available on our members websites has been agreed with the National Consumer Agency. Some additional obligations that may arise out of this consultation could be added to the Customer Charters as they arise.

- (38) Do you think it reasonable that an operator would be required to make a copy of their waste collection permit available on their website?

Yes. It should be mandatory and would help the reporting of non-compliance with waste collection permits by the industry, the public or other interested parties. For this to be mandatory, it must also be mandatory that household waste collection permit holders have a website and the application form should include require details of the applicants website.

- (39) What measures could be introduced to ensure that the commitments contained in customer charters are delivered? For example, should household waste collectors be obliged to publish statistics on the commitments made in their customer charters (e.g. publication of performance indicators such as the number / percentage of collections are made on-time etc.)?

This can be problematic if there is no independent verification of such information. Bogus claims are not uncommon on websites and the honest broker could lose out to the less scrupulous operator it also introduces another layer of administration that is probably of little use

- (40) Are there any other issues you wish to raise in terms of customer charters?

No

- (41) Do you think it appropriate that measures be introduced at a national, regional or local level in terms of better managing the nuisance, emissions and health and safety risks of overlapping household waste collection networks?

Yes, within the existing market structure at a local level, where necessary. Local measures are considered the most appropriate, because the problem is only apparent in some areas. Most areas are serviced by c.2 collection companies providing good competition for the householders with a small increase in traffic movements. The issue is not considered as a very large problem by the Association or our members and is very localised.

Any measures introduced should be based on evidence gathered rather than hearsay or anecdotal evidence.

We support the Dublin City Council initiative whereby the Council agreed designated collection days for household waste with the waste companies that operate in that jurisdiction. This is a good example of a solution agreed between the local authority and the industry and we would welcome more engagement of this nature, if and when problems are identified.

- (42) Should times be specified when waste collection is prohibited? Should this be established at a local, regional or national level?

We suggest that you allow household waste collection from 6am to 9pm with allowances for exceptional circumstances such as adverse weather conditions or breakdowns.

- (43) Bearing in mind the potential costs associated with upgrading waste collection fleets and the potential knock-on costs for consumers, what are your views on requiring waste collection fleets to:

- a. operate under a certain decibel level?;

This could be difficult to enforce and compliant companies could lose out to those that are non-compliant e.g. the noise generated from a glass collection is much greater than other waste types.

- b. introduce compartmentalised refuse collection vehicles so that different streams of waste can be collected by the same vehicle, reducing the number of waste collection journeys?

These vehicles are most effective economically in rural areas where the trucks must travel long distances to cover a route, so it may not be appropriate to impose such requirements on all waste collectors especially those operating in built-up urban areas. We suggest that this decision is best left with the waste collectors as it is in each collector's interest to maximise the productivity of their trucks and this will likely result in minimising environmental emissions and nuisance.

- (44) Are there any other issues you wish to raise in terms of managing the nuisance, emissions and health and safety risks of overlapping household waste collection networks?

No

- (45) Do you consider the introduction of fixed payment notices (otherwise known as on the spot fines) as a suitable penalty for householders who are not availing of an authorised household waste collector and who cannot demonstrate they are managing their waste in an environmentally sustainable and acceptable manner? If not, what other sanctions would you deem appropriate?

Yes. The first step should be to make householders aware that they are legally obliged to use a service provider or otherwise account for their waste management and this will probably require a well organised and funded national media campaign, backed up by local efforts by the local authorities and the waste industry. The local authorities would also require the necessary support to implement such a programme of enforcement.

- (46) What are your views on waste collection companies being required to maintain a register of household waste customers as a permit condition whereby a local authority can request the collector to verify whether a specific householder is availing of a service being provided by that operator?

We would support this.

- (47) Are there any other issues you wish to raise in this section?

The availability of PTUs will make it very difficult for the DECLG to achieve this policy goal, so these must be addressed first.

- (48) Do you have specific proposals in terms of reducing the administrative burden for those complying with Waste Management (Collection Permit) Regulations 2007? For example, what are your opinions on:

- a) introducing 'binding obligations' that apply nationally in the legislation to the greatest extent possible to simplify the permitting process across local authority and regional boundaries;

Yes, we fully agree with such national consistency.

- b) allowing operators to submit data on an on-going basis rather than making an annual return;

Yes, we agree with this if it proves to be practical.

- c) publishing notices required under Regulation 6 of the Waste Management (Collection Permit) Regulations 2007 on the National Waste Collection Permit Office website rather than in national or local newspapers;

Yes, we agree with this as it reduces costs. It also allows the industry to keep an eye out for applications from unscrupulous operators and object to same.

- d) introducing greater scope for interactions with the regulatory authorities to be carried out 'on-line';

Yes, we greatly support such efficiencies.

- e) making an application available 'on-line' on the National Waste Collection Permit Office rather than available for inspection at local authority offices;

Yes, we support this as it allows better scrutiny by interested parties.

- f) introducing general binding rules for applying standard conditions to a particular class of waste collector permits, any additional requirements could be region specific rather set than at a local authority level;

Yes, we support better national consistency, where possible. Region specific conditions should be avoided.

- g) allowing permit conditions to be carried on each vehicle without the appendices, as these are readily available on the National Waste Collection Permit Office website;

Yes, we support reductions in the administrative burden associated with waste collection permits, where appropriate.

- h) allowing a permit holder name or permit number to be displayed on the vehicle – this would reduce the need to reprint new permit numbers on all vehicles in the case where a new permit number is issued;

Yes, as above, we consider that this reduces unnecessary administrative costs.

- i) making the process of application and renewal (prior to expiry) for a waste collection permit the same procedure, introduce a separate process for reviewing a permit (e.g. whether instigated by an enforcement authority on suspicion of non-compliance or the waste collector in order to surrender or transfer, or amend significantly a waste collection permit) and allow minor technical amendments to be made without the requirement of a full review;

Yes, we support this as it once again appears to reduce administrative burden.

- j) streamlining/better clarifying the timelines set out in the Waste Management (Collection Permit) Regulations 2007 in terms of applying for a permit, review, submitting annual return data, submissions from third parties in relation to an application for a waste collection permit, etc.

Yes, we support this as it would appear to increase efficiency and provide greater certainty on timelines.

- (49) Are there any other provisions in the Waste Management (Collection Permit) Regulations 2007 which could be improved / streamlined to reduce the administrative burden of complying with waste collection legislation?

We have nothing more to add at this time.

We hope that our submission is helpful and we look forward to further engagement during the preparation of the regulations.

Yours Sincerely,



Conor Walsh

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Appendix A – List of Materials Considered Suitable in the Co-mingled Dry Recyclables Bin as Agreed by IWMA Members

Paper	Newspapers	Calendars	
	Magazines	Dairies	
	Junk mail	Letters	
	Envelopes	Computer paper	
		Tetra pac - juice containers,	
	Paper	Milk cartons	
	Phone books	Egg Boxes	
	Catalogues	Holiday brochures	
	Tissue boxes	Potato bags	
	Sugar bags	Tissue boxes	
	<hr/>		
	Cardboard	Food boxes	
		Packaging boxes	
Cereal boxes			
Kitchen Towel tubes			
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Aluminium cans	Drink cans		
	Aluminium foil trays		
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Steel cans	Pet food cans		
	Food cans		
	Biscuit tins		
	Soup tins		
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Plastic Bottles (PET 1)	Mineral Bottles		
	Water Bottles		
	Mouthwash bottles		
	Salad dressing bottles		
(HDPE2)	Milk Bottles		
	Juice Bottles		
	Cosmetic bottles		
	Shampoo bottles		
	Household cleaning bottles		
	Laundry detergent bottles		
	Window Cleaning Bottles		
	Bath room bottles		

Note:

All material placed in the recycling bin should be **emptied, clean and dry.**

Plastic Films

Shopping bags
Pallet wrap
Clear shrink wrap.
Cling film

**Plastic
packaging
(PP)**

Yogurt containers
Margarine tubs
Medicine Bottles
Rigid food packaging- (except black)
Liquid Soap
Containers
Fruit containers
