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Waste Policy and Resource Efficiency Section  
Department of Environment,  
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Newtown Road  
Wexford  
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Y35AP90

10<sup>th</sup> December 2015

**Re: DRAFT WASTE MANAGEMENT (COLLECTION PERMIT)(AMENDMENT)  
REGULATIONS (November 2015)**

Dear Eoin,

The IWMA held a meeting on Monday 7<sup>th</sup> December to discuss the draft amendment to the waste collection permit regulations. From that meeting we offer the following comments and suggestions.

**Article 2(d).** We welcome the option to publish notice of an application on the NWCPD website in lieu of a newspaper notice.

**Article 2(n).** Proposed deletion of text after **Article 17(3)(c)** in relation to Fit and Proper Person. We suggest that this text (or similar) should be **retained** and discretion allowed in determining whether or not a waste collector is fit to hold a waste collection permit.

Operators of licensed waste facilities can be prosecuted under Article 32(1) of the Waste Management Act for relatively minor or unavoidable breaches of conditions of their licences. Sometimes licence breaches are unavoidable or due to unforeseen circumstances such as a fire or other emergency and many breaches are not wilful criminal acts, regardless of whether a conviction is secured by the EPA. Putting a company out of business with associated job losses appears to be a very severe sanction in such circumstances. These issues can be considered in context when discretion is allowed.

**Article 2(o).** We welcome the introduction of **Article 19(3)** and we suggest that the word 'remove' should be replaced with 'empty or remove' to make it stronger.

**Article 2(o).** We suggest that **Article 20(2)(f)(i)** should end with "*in authorised facilities*" rather than "*in such manner as may be specified*". As detailed in our submission in November 2014, the IWMA fears that the currently proposed wording could allow direction of waste to facilities, which would be anti-competitive in our view.

**Article 2(o).** We suggest that **Article 20(2)(g)(i)(II)** should have the following words removed “*specified by the nominated authority, where such frequency is*”. We argue that reporting the weights “*at a frequency not less than once every month*” is adequate and the nominated authority should not have the power to request more frequent reporting of weights, not least because this could have an un-levelling effect on the playing pitch for collectors.

**Article 2(o).** We welcome the introduction of **Article 20(2)(g)(i)(X)** and we suggest that the word ‘*remove*’ should be replaced with ‘*empty or remove*’ to make it stronger (as proposed also in relation to Article 19(3) above).

**Article 2(o).** The requirement for charging per kilo under proposed **Article 20(2)(g)(ii)(II)** is per kilo for every kilo. The previous draft of this regulation that you sent to us last year (Nov 2014) set a 2.5kg minimum weight, i.e. “*require that any fee resulting from the weight-based charge for residual waste, recyclable waste and where applicable, food waste will not be subject to banding of more than 1 kilogramme increments above the initial minimum weight of 2.5 kilogrammes*”. We would like to see this restored as lifting a bin with less than 2.5 kg of waste is not considered economical.

**Article 2(o).** We suggest that **Article 20(2)(g)(ii)(VII)** should have the following words removed “*specified by the nominated authority, where such frequency is*”. As discussed above, we argue that reporting the weights “*at a frequency not less than once every month*” is adequate and the nominated authority should not have the power to request more frequent reporting of weights, not least because this could have an un-levelling effect on the playing pitch for collectors.

**Article 2(o).** We welcome the collection times specified in **Article 20(2)(g)(vii)**. However, we ask that the reference to “*requirement by the relevant local authority to collect waste on a specified designated day*” is removed from the text. We believe that the unilateral imposition of designated collection days by a local authority would have the potential to seriously disrupt kerbside waste collection and could lead to inefficiencies (particularly across local authority boundaries) that would incur costs that would be passed on to householders. Designated collection days, where needed or desirable, should be agreed between the local authority and the local waste collectors in a process that seeks to maximise efficiencies in waste collection. The IWMA has worked well with Dublin City Council and Kildare County Council in recent times in this regard and we will continue to support such measures, when requests are made by local authorities in respect of urban areas. We do not believe that there is any justification for designated collection days in rural areas.

**Article 2(o).** In respect of **Article 20(2)(g)(viii)** on proposed hours for collection of glass, we ask that “*8am*” is changed to “*7am*”. We also ask that “*working day*” is replaced by “*Monday to Saturday*” and that “*non-working day*” is replaced by “*Sunday*”. The rationale for these requests is detailed below. We also ask that the reference to “*designated day*” is removed for the reasons given above.

Glass collection routes are typically between 8 and 10 hours long depending on the size of the route, all of which tend to be urban based. By permitting commencement at 7am, such routes would be completed between 3pm and 5pm and just before the evening rush hour traffic. Restricting commencement until 8am will push some of the routes well into the

evening rush hour, particularly as the (lost) hour between 7am and 8am is significantly more productive than an hour in the evening. In addition, it is preferable to reduce (as much as possible) the amount of evening time spent collecting glass in housing states when children are about (particularly in Summer).

The draft regulation also proposes that the collection hours for glass on non-working days would be restricted to between 10am and 6pm. However, as “*working day*” is defined as “*means a day on which the principal office of the nominated authority is open for business*”, this would appear to mean that the collection of glass would be restricted to between 10am and 6pm on Saturdays, when the principal office of the nominated authority is closed. This would effectively exclude the operation of typical glass collection routes on Saturdays. As many such collections routes are routinely operated, and many waste management facilities are open on Saturdays, we respectfully request that glass collection be permitted between the hours of 7am and 10pm Monday to Saturday inclusive.

**Article 2(o).** The requirement in **Article 20(2)(h)(i)** to collect household waste on specified designated days is new to the draft regulations and for the reasons presented above, the IWMA does not support this requirement as a regulation. Such a requirement can be introduced as a bye-law in any local authority area, after consultations between local waste collectors and the relevant local authority. Including such a requirement in these regulations could result in the imposition of inefficient collection routes and an increase in the cost of kerbside waste collection to householders.

**Article 2(o).** The requirement proposed in **Article 20(2)(j)** was previously contested by the IWMA. There are several million bins currently in circulation so giving the nominated authority the power to specify the type, form, colour, size, capacity or other specifications of bins is not a practical option and should be removed.

**Article 2(o).** The requirement proposed in **Article 20(2)(k)** had previously used the word “*notify*” rather than “*obtain the written consent of*”. The draft regulations circulated to us in November 2014 proposed the wording “*inform, or obtain the written consent of the nominated authority*”. Notwithstanding the option that would be provided to the permit holder by that wording, we suggested in good faith the removal of the words “*or obtain the written consent*”, in our submission of November 2014, as informing the nominated authority should be adequate. We ask that either “*notify*” or “*inform*” is re-instated, as obtaining written consent is unworkable and simply not practical in these circumstances.

**Article 2(o).** Proposed **Article 20(2)(m)(iv)** requires the permit to be carried on each vehicle. This should exclude the Appendices as these are regularly updated and it is impractical to have updated appendices in all vehicles at all times.

**Article 2(o).** Proposed **Article 20(2)(m)(v)** requires the permit holder to “*display the permit holder name or number, or both if so specified by the nominated authority, on promotional material, vehicles, skips, receptacles or bags of the permit holder used for waste collection to be visibly, legibly and indelibly identified in manner and format as may be specified by the nominated authority on the waste collection permit.*”

To retrospectively put such an identification mark on every wheelie bin in the country is a massive and wholly unnecessary task. Under current regulations every bin is individually

identifiable from its RFID chip, unique to every bin and traceable back to the customer through the collector's back office.

The fact that the nominated authority can identify the collector of a bin from the branding of the bin makes redundant the requirement to put the permit details on the bin as well as the collector's identification.

Skips are no issue as skips come back to the collectors base regularly and can be easily marked. The issue of identifying bags can be addressed by traceable labelling on the bags, so that is also manageable.

**Article 2(o).** Proposed **Article 20(2)(m)(vii)** requires annual inspection of the weighing system. We are concerned that there is currently only one company in Ireland that holds NSAI certification to carry out such inspections on waste collection vehicles and such a monopoly situation poses difficulties. Whilst we have no difficulty in principle with the requirement, we are concerned about the regulation presenting a company with a monopoly position. We respectfully ask that the Department discusses this issue with the NSAI before finalising the regulation.

**Article 2(o).** **Article 20(3)(d)** was included in the previous draft of these regulations and the IWMA argued against its inclusion on the following grounds. 'IWMA has difficulty with this clause and would like it removed as it is both open ended and open to abuse. Furthermore, it provides for an unacceptable level of uncertainty as to cost. The cost of enforcement should be covered in the permit fee or from other funding such as the environment fund. If a company is found guilty of an offence the enforcement authorities can seek costs from the court.'

We continue to argue against the inclusion of this article. We also see it as potentially anti-competitive as the highly regulated facilities could end up paying a higher price than those that attract a lower level of enforcement, regardless of environmental performance..

**Article 2(s).** Proposed deletion of text after **Article 28(6)(c)** in relation to Fit and Proper Person. We suggest that this text (or similar) should be **retained** and discretion allowed in determining whether or not a waste collector is fit to hold a waste collection permit, for the reasons given earlier in this submission.

Yours Sincerely,



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