



Mr. Kevin O'Donoghue
Principal Officer
Waste Policy
Department of the Communications, Climate Action and Environment
Newtown Road
Wexford
Y35 AP90

2nd November 2016

Re: Pay To Use (PTU) Compactors

Dear Mr. O'Donoghue,

I am instructed by the Board of the IWMA to write to you to express our frustration with the lack of enforcement of Pay To Use (PTU) compactors that are currently operating illegally in many locations around the country.

Since the passing of the Waste Management (Facility Permit and Registration)(Amendment) Regulations 2015 (S.I. 198 of 2015) in May 2015, all PTUs must comply with a number of requirements, including the following:

- be equipped to weigh each and every individual deposit of the various segregated fractions of household waste accepted at the facility waste separately on and after 1 July, 2015 and report, in writing, this weight to the person or persons who presented the household waste for acceptance;
- use a weighing system to weigh the segregated fractions of household waste which has an EC Type Approval under the Measuring Instruments Directive 2004/22/EC) or a National Type Approval granted prior to the coming into force of the Measuring Instruments Directive (2004/22/EC), in accordance with the Legal Metrology (General) Regulations 2008, to weigh each and every deposit of household waste;
- use a weighing system to weigh household waste in accordance with rule (4) of accuracy Class Y (b) or better, where such a weighing system shall have a resolution of 1 kilogramme (kg) or better, in accordance with the Legal Metrology (General) Regulations 2008;

To the best of our knowledge, there is not a single PTU in the country that has been fitted with a weighing system in compliance with the regulations.

In contrast, in response to similar requirements imposed on household kerbside collectors, our members have fitted hundreds of waste collection vehicles with weighing equipment that complies with the regulatory requirements. They have also installed RFID chips in hundreds of thousands of wheelie bins. These efforts have cost millions of euro as well as a lot of time and effort by all of our members.

It appears to us that the PTU operators have made little or no effort to adapt their collection network to meet the requirements of the new regulations and the lack of enforcement is now rewarding their negligence in this regard.

Any waste collection vehicles currently engaged in the collection of kerbside household waste without weighing systems will rightly attract the attention of the enforcement authorities and enforcement action is almost certain. A number of waste collection permits are currently under review by the NWCPO due to compliance concerns.

The PTUs on the other hand appear to be off the agenda of those same enforcement authorities. For example, one of our members received the following comments in writing from a local authority enforcement officer on 3rd October 2016:

“we have reviewed the enforcement of PTU waste collection. We have decided to concentrate our enforcement efforts with PTU operators on the following elements of their waste collection;

- *Provide recycle unit or compartment within the PTU unit.*
- *Record households using their PTU units.*

It is our intention to roll out the enforcement of the weighing mechanism on PTU units in the later part of 2017.”

Weighing mechanisms on kerbside waste collection vehicles have been inspected regularly over the past 15 months by the enforcement authorities, including the authority quoted above.

We fail to understand the logic behind the immunity that is being granted to the PTUs and we object strongly to it. This lack of enforcement makes a mockery of the regulations as it gives an unfair advantage to the non-compliant in competing against the compliant. That is a fundamental flaw in the regulation of the waste sector.

In light of our comments above, we respectfully ask that you inform all local authorities that PTUs cannot be allowed to operate in non-compliance with S.I. 198 of 2015. The owners of the PTUs and the owners of the premises where the PTUs are situated should receive direction from the local authority enforcement officers to cease collection of waste until such time as they can operate in compliance with the regulations. This is consistent with the prohibition on vehicles collecting kerbside household waste without weighing equipment.

If the permit holders and site owners do not comply with these directions / orders, they should be prosecuted or have their permits / certificates of registration suspended or revoked. Without such enforcement, the State is giving a competitive advantage to the non-compliant and is thereby undermining the regulations developed by your Department and passed by the Minister for the Environment, Community and Local Government.

We require urgent action on this matter in order to convince our members that the State is serious about fair and equal enforcement of waste management regulations.

Yours Sincerely,



Conor Walsh

IWMA Secretary

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cc.

Mr. Sean Scott, Connaught-Ulster Waste Enforcement Regional Local Authority
Mr. Brian White, Eastern Midlands Waste Enforcement Regional Local Authority
Mr. Nick Bond, Southern Waste Enforcement Regional Local Authority