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NWCPO  
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Charleville Road,  
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24<sup>th</sup> April 2019

### Re: Proposed Changes to Waste Collection Permits

Dear Leo,

Further to your email of 21<sup>st</sup> February with proposed changes to waste collection permit conditions and our meeting of 5<sup>th</sup> March to discuss same, the IWMA offers the following comments on the matter.

**1.6** New condition requiring more details about the permit holder. – No issue for IWMA.

**2.14** Amendment to training requirements for key personnel. – IWMA was concerned about availability of certified training, but NWCPO confirmed that relevant and appropriate internal training will suffice. No issue for IWMA after clarification.

**2.15** Slight change on requirement for name or number on promotional material. – No issue for IWMA.

**4.4** Proposed amendments to docket system. – IWMA had concerns over some new requirements.

It was agreed that Part ii should exclude the weight of the waste.

It was agreed that Part v should include 'electronic means'.

It was agreed that hazardous waste shipments requiring WTF will be addressed separately under a different condition of the waste collection permits.

**4.6** Proposed amendment to record keeping to make provision of Eircodes mandatory rather than '*where provided by the customer*'. – IWMA has 2 concerns with this amendment. One is technical as only a small proportion of households have provided Eircodes and it will be difficult and expensive to gather the rest. There is also a belief that there are a lot of errors with Eircodes.

The second issue relates to Data Protection and the IWMA has been in contact with the office of the Data Protection Commissioner (DPC) about this issue. Section 34C of the Waste Management Act requires waste collectors to provide specified information that they hold on customers to the authorities, but does not specifically require waste collectors to supply all Eircodes. It uses the words 'if any'. In these circumstances, the gathering of Eircodes by waste collectors may be seen as 'profiling' and may be subject to a Data Protection Impact Assessment (DPIA). It may be more appropriate for waste collectors to provide names and addresses and if the authorities want to gather and use Eircodes, they can commission that work, subject to a DPIA or other arrangements.

It was agreed that point (vi) should be revised to remove the word 'address'. Name and authorisation number of the destination facility should be sufficient.

**4.7** Very minor amendment to condition requiring AER – No issue for IWMA.

**4.10** A strengthening of the condition that requires waste collection charges to promote the waste hierarchy. – IWMA supports the concept.

**4.11** Minor amendment to reflect the change in the Tax Clearance regime (clearance number instead of certificate). - No issue for IWMA.

**4.12** Introduction of a customer complaint management system to be maintained by waste collectors. – This was an issue raised by the CCPC as lacking in the current regime. The IWMA supports the amendment.

**4.13** There is an existing condition that requires the provision of route maps and other details to the NWCPO and local authorities. The amendment proposes to limit that to the NWCPO. – The IWMA has concerns over the commercially sensitive nature of that information and welcomes the proposal to limit access to such information to the NWCPO.

The IWMA requests that the NWCPO puts procedures in place to keep that data confidential, when received from waste collectors. Access to the data by local authorities should be restricted and must be controlled by the NWCPO to avoid leakage of such commercially sensitive information.

The IWMA would welcome further discussions on this matter and can provide technical or legal support in establishing a management system for such confidential data, should the NWCPO require such support.

**4.14** The NWCPO proposes to introduce a new condition that would allow local authorities and/or the NWCPO free reign to determine the frequency of reporting waste collection data. – The IWMA is opposed to this condition as it has the potential to impose a significant burden on business. The permit conditions should state the frequency of reporting and that can be legally challenged by individual permit holders through District Court appeals.

Feedback from members suggests that local authority requests' for data are already impacting heavily on the day to day operations of waste companies. We believe that Section 18 Notices are now being used inappropriately to gather monthly data in a manner that by-passes the permitting system and by-passes the appeals system that is attached to the permitting system.

The NWCPO engaged in consultation with the IWMA in 2018 on a proposal to introduce monthly reporting of data. The IWMA made a strong submission in June 2018 opposing such a move.

The NWCPO has indicated that the WERLAs will now settle for quarterly data. The IWMA remains opposed to increased frequency of data reporting. However, we are prepared to accept quarterly reporting, strictly subject to the following conditions:

- a. No apartment data to be included.
- b. No destination facilities to be included.
- c. Participation rates to be included rather than presentation rates (say any brown bin presented at any time in the previous quarter)?
- d. No agglomeration data to be included?
- e. No more monthly requests from any local authority unless it is specifically targeted at a company as part of an investigation into wrongdoing, with evidence to back it up.
- f. A fair lead-in time if systems require updating and a fair warning of several months before the first quarterly data is required?

Apartment data is particularly difficult and unreliable. Apartment management companies are not legally required to provide data to waste collectors, so guesswork on the number of apartments served is often needed to complete the current annual returns and IWMA members are uncomfortable with statutory reporting of unverified data.

We have discussed the inadequacies in waste management at apartments in a recent meeting with the DCCAE. It was agreed at that meeting that a forum would be set up with stakeholders to improve waste management at apartments. We expect that this will lead to new legislation and hopefully better data reporting.

If these conditions are unacceptable to the NWCPO and/or the WERLAs, we suggest that the quarterly reporting will be a significant administrative burden on business. In these circumstances, it is incumbent on the authorities to conduct a Regulatory Impact Assessment (RIA), with stakeholder engagement.

We respectfully remind you that Section 5(3) of the waste collection permit regulations states:

*“Insofar as possible, local authorities shall co-operate to ensure an efficient administration of the waste collection permit system to reduce the administrative burden for applicants.”*

**6.5.2** A proposed new condition that will make it clear that permission to collect Bulky Waste does not extend to collection of WEEE or kerbside household waste. - No issue for IWMA.

**6.6.1** A proposed slight change to a condition on information relating to designated bag collection areas - No issue for IWMA.

**6.6.9** A proposal to introduce more provisions relating to customer charters. - No issue for IWMA.

**6.6.11** A proposed slight change to a condition on communication with customers. - No issue for IWMA.

**6.6.20** A proposed change in a condition that requires waste collectors to provide waste collection data to customers. Main difference is the requirement to include the destination facility in the data provided to customers – The IWMA has a technical difficulty with providing the ‘waste facility’ information (part iii) on this system, as that information is normally recorded in a different system.

It was suggested by the IWMA that the waste facility information should be required to be provided to customers ‘on request’ under a separate condition.

**6.6.21** A proposed change to a condition on record keeping that extends to the agglomerations in which waste is collected and the Eircodes of the customer. – IWMA is opposed to this amendment as the agglomeration data is not on existing systems and introduces a significant administrative burden. In addition, there are technical and data protection issues associated with the gathering of Eircodes as detailed above.

**6.6.22** A slight amendment is proposed with regard to local authority access to records held by waste collectors. - No issue for IWMA.

**6.6.23** A proposal to include additional data in the AER returns, including population agglomerations and presentation frequency. – The additional data adds a significant administrative burden and is therefore opposed by the IWMA. Participation rate is an easier metric than presentation rate. Agglomerations are not recorded in the system. The NWCPO should consider metrics that can be included without adding significant administrative burden on waste collectors.

**6.6.24** Relates to the requirement to have a complaints register. It is proposed to add a requirement to address customer complaints to the satisfaction of the NWCPO. – The IWMA suggests that the word ‘reasonable’ should be included before ‘satisfaction’ in this context.

**6.6.26** It is proposed to tidy up this condition which requires incentivised charging. – No issue for IWMA.

**6.9.1** A proposed new condition requiring the permit holder to have full knowledge of the waste being transported. - No issue in principle for IWMA, but the wording of the condition is a little unclear and could be improved.

**6.10.1** A slight amendment to a condition relating to the collection of waste tyres and interaction with approved body (REPAK ELT). – No issue for IWMA.

**6.10.2** An amendment to a condition relating to the supply of waste tyres in the context of the producer responsibility scheme. – No issue for IWMA.

I hope this submission is informative and we look forward to further positive and productive engagement with the NWCPO and the WERLAs.

Yours Sincerely,

A handwritten signature in black ink that reads "Conor Walsh". The signature is written in a cursive, slightly slanted style.

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