



STATUTORY INSTRUMENTS.

S.I. No. 198 of 2015



WASTE MANAGEMENT (FACILITY PERMIT AND REGISTRATION)
(AMENDMENT) REGULATIONS 2015

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I, ALAN KELLY, Minister for the Environment, Community and Local Government, in exercise of the powers conferred on me by sections 7, 18, 32 and 39 of the Waste Management Act 1996 (No. 10 of 1996), hereby make the following Regulations:

Citation

1. These Regulations may be cited as the Waste Management (Facility Permit and Registration) (Amendment) Regulations 2015.

Amendment to the Waste Management (Facility Permit and Registration) Regulations 2007

2. The Waste Management (Facility Permit and Registration) Regulations 2007 (No. 821 of 2007) are amended:-

(a) In Article 38(3)(b) by the insertion of "under article 37(15)" after "the local authority or, as the case may be, the Agency shall not to decide to amend conditions attached";

(b) By inserting the following two articles after article 39—

“Amendments to a certificate of registration of a clerical or technical nature.

39A (1) Notwithstanding the requirements pursuant to article 38 or of any other provision concerning the recovery and disposal of waste, a local authority, or the Agency as the case may be, may supplement the rules applicable to an existing certificate of registration under the fourth schedule to the Regulations for the purposes of—

(a) correcting any clerical error therein,

(b) facilitating the doing of anything pursuant to a rule applicable to the certificate of registration where the doing of that thing may reasonably be regarded as having been contemplated by the terms of the rules in respect of the registered activity as set out in the fourth schedule taken as a whole but which was not expressly provided for in the rules,

(c) updating the rules applicable to an existing certificate of registration to take account of scientific or technological progress,

Notice of the making of this Statutory Instrument was published in “Iris Oifigiúil” of 19th May, 2015.

(d) facilitating the application of new, or the amending of existing rules to an existing certificate of registration which are necessary for the operation of the facility in accordance with new or revised requirements, through the incorporation of any new requirements in the fourth schedule to these Regulations as may be amended from time to time to facilitate compliance by the registration holder with any minimum technical requirements that may be established, amended or deemed necessary by the local authority or, as the case may be, the Agency as a result of—

(i) a change in legislation, or

(ii) the introduction of new, or amendments to existing, Community acts, or

(e) otherwise facilitating the operation of the certificate of registration.

(2) The local authority or the Agency shall ensure that the making of any amendment under sub-article (1) does not result in the relevant requirements of article 37(12) ceasing to be satisfied.

(3) The local authority or the Agency shall, where appropriate, consult with the registration holder before exercising its powers under sub-article (1).

(4) The local authority or the Agency shall, as soon as may be after the exercise of the power under sub-article (1), notify particulars of the amendment effected by that exercise to—

(a) the registration holder,

(b) the Agency or the local authority, as appropriate,

(c) the Minister for Agriculture and Food, as appropriate, in the case where the Certificate of Registration is concerned with the treatment of animal by-products within the meaning of Regulation (EC) No. 1069/2009, and

(d) the Minister for the Arts, Heritage and the Gaeltacht, as appropriate, in the case where the Certificate of Registration is concerned with the development or improvement of land which has the potential to impinge upon a European site.

Notice of amendment to a certificate of registration of a clerical or technical nature

39B. (1) Where a local authority or, as the case may be, the Agency decides, pursuant to article 39A, to modify an existing Certificate of Registration through amendments of a clerical or technical nature, it shall give notice in writing of such intention to the registration holder.

(2) A notice given under sub-article (1) in relation to the intention to amend the rules applicable to the existing Certificate of Registration shall—

(a) inform the registration holder of the decision of the local authority or, as the case may be, the Agency to amend the rules applicable to the existing Certificate of Registration under Article 39A,

(b) state that-

(i) an application for the review of the Certificate of Registration is not required, and

(ii) the current expiry date of the Certificate of Registration shall remain the same following the amendment of the rules,

(c) where appropriate, include a copy of-

(i) any supplementary rules that are being applied to the existing Certificate of Registration as a result of a clerical or technical amendment being made pursuant to sub-articles 39A (1)(a), (b), (c) or (e),

(ii) the revised rules applicable to the activity as a result of an amendment to the fourth schedule, pursuant to sub-article 39A(1)(d).”

(c) By inserting the following Part after Part VI of the fourth schedule to the Regulations-

“PART VII

ADDITIONAL RULES FOR PAY TO USE COMPACTOR UNITS ACCEPTING HOUSEHOLD WASTE

In this Part,

“household waste” means that fraction of household waste brought from a household premises by a householder for consignment to a pay to use compactor as appropriate and excludes waste water, construction and demolition waste and bulky waste more suitable for collection in a skip or other such receptacle (which includes but is not limited to heavy waste materials such as furniture, carpets and rubble), as well as household hazardous waste and other streams of household waste which are required to be collected in another appropriate manner, such as, but not limited to, WEEE and waste batteries and accumulators.

“food waste” includes any food substance used, available to be used, or intended to be used, for food by human persons and discarded as household waste.

The registration holder shall comply with the following requirements in relation to the acceptance of household waste:

(1) Use of the Facility shall be confined to the reception of household waste.

(2) Without prejudice to the power of any local authority to provide for additional policy objectives under a relevant waste management plan, the Facility shall at least, subject to rule (4), provide separate receptacles for the acceptance of segregated fractions of recyclable material and non-recyclable material.

(3) Without prejudice to the power of any local authority to provide for additional policy objectives under a relevant waste management plan, the facility must also provide a separate receptacle for the acceptance of segregated food waste in accordance with the time schedule prescribed for population agglomerations as set out in the European Union (Household Food Waste and Bio-Waste) Regulations, 2015:

(a) from 1 July, 2015 where the facility is situated in a population agglomeration of more than 1,500 persons; and

(b) from 1 July, 2016 where the facility is situated in a population agglomeration of more than 500 persons,,

(4) The facility shall 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.

(5) The Facility shall, in accordance with the requirements of rule (4), 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.

(6) The Facility shall 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.

(7) The Facility operator shall prepare a customer charter for household waste in the form set out in the Sixth Schedule to these Regulations, or a form substantially to the like effect, to the satisfaction of the local authority, to facilitate publication on the website of the local authority on 1 July, 2015, and any amendments or updates to the customer charter to be submitted to the local authority without delay to facilitate publication of the revised charter on the website.

(8) The Facility shall provide for the acceptance of at least the recyclable waste materials listed in the Seventh Schedule to these Regulations on or after 1 July, 2015 in the waste recycling receptacles at the facility.”.

- (d) By inserting the following Schedules after the Fifth Schedule to the Regulations

“SIXTH SCHEDULE

CUSTOMER CHARTER FOR PAY TO USE COMPACTOR UNITS ACCEPTING HOUSEHOLD WASTE

1. INTRODUCTION (Insert Name) is committed to providing the highest standards in the provision of waste management services to their customers. We have a commitment to providing a service that seeks to incentivise waste prevention and to encourage the segregation of waste so that it can be managed in accordance with the waste hierarchy, whereby waste prevention, preparing for reuse, recycling and other recovery are preferred over the disposal of waste. This approach is in line with current national waste policy in the area — A Resource Opportunity — Waste Management Policy in Ireland. This document is designed to communicate how we intend to provide household waste management services in accordance with these principles to the public in a clear and concise fashion.

2. CUSTOMER SERVICE STANDARDS

- (a) We will provide a reliable waste deposit service and process your waste in a professional and environmentally sound manner.
- (b) All service provision will be carried out in line with current local and national legislation and in line with sustainable waste management practices.
- (c) We will consider any reasonable special requests that individual households may have.
- (d) We will explain clearly what our service rules are and the reasons for them.
- (e) We will respond to formal complaints we receive about our services in a timely and professional manner.

- (f) We will ensure that there are no direct impediments to you switching your waste management service provider should you wish to do so.
- (g) We will design our service and accept waste in a way that minimises litter and odour nuisance.
- (h) We will offer a “2 receptacle” or “3 receptacle” service to facilitate the segregation of household residual, recyclable and where appropriate, food/bio waste in line with our Certificate of Registration.

3. COMMUNICATION WITH CUSTOMERS

- (a) We will explain clearly what services you can expect to receive and will provide details of the waste acceptance services we offer on a county/city basis to the relevant local authority for publishing on their website.
- (b) We will provide you with clear and concise billing which will allow you to understand all elements of the costs involved in providing your waste services.
- (c) We will keep you informed of changes in our service that are designed to improve our service offering.
- (d) At the time of initial service provision under contract, where applicable, each customer will be provided with details of their service provider; full name and address, contact details (website where available, phone number, email, postal address), a clear breakdown of pricing policy for provision of service, process for accessing account statement and balances, procedure for receipt of payments, process for dispute resolution, procedure for customers who have fallen into arrears with their payments, where applicable, and details of the procedure for cancellation of service provision, including refund of charges where applicable. You will also be provided with details of the period of validity for the offer provided and advised of a cooling off period should you wish to change your mind.
- (e) In the case of e-Commerce contracts with customers, and in line with reducing paper usage, all communication and documents will be sent by email unless otherwise requested. In the interests of the environment and reducing costs we are committed to increasing communication by this method.
- (f) We will alert you at least 30 days in advance of the expiry of your contract, where applicable.
- (g) We will produce a version of this Charter which has been approved by the National Adult Literacy Agency.

4. HOUSEHOLDER RESPONSIBILITIES

- (a) In line with national policy, prevent, reuse and recycle waste as much as possible. Refer to national and regional campaigns that seek to help reduce waste production. Segregate your waste materials properly and place this waste in their respective receptacles. Please refer to our Waste Segregation and Presentation Guidelines (see section 7 below) which are available on our website or which are available to be sent to you by post, if requested.
- (b) Please note the procedure in place should the incorrect waste be placed in a receptacle (e.g. food waste placed in the recycle receptacle):

(Procedure for dealing with contamination of a receptacle through waste being deposited in the incorrect receptacle to be inserted by holder of the Certificate of Registration)
- (c) Where applicable, in the event that you have difficulty paying an outstanding bill, please contact us directly as soon as possible as we have a procedure to agree an individual payment plan which deals with how we will manage customers who have difficulty paying their bill.
- (d) Contact us, as your waste management service supplier if you have any queries on how best to manage any of your waste materials. We have the expertise to provide the appropriate service or advice on how to best resolve the issue.

5. PRICING, CHARGING MECHANISM AND ACCESS TO ACCOUNT INFORMATION

- (a) The range of service and costs for service provision will be clearly communicated to each customer.
- (b) New Customers will receive information on charging and pricing structures at the time of sign up, where applicable, i.e. whether over the phone, via website sign-up or via completion of hard copy application form.
- (c) Information, including a copy of Terms and Conditions of Business will be provided to Customers as part of new Customer Welcome Packs, where applicable, and will be available on the company's website and/or your local authority's website.
- (d) Any changes to the Terms and Conditions of the business will be communicated to customers in a timely manner. Payment of invoices following such notifications shall be taken as acceptance of the updated Terms.
- (e) Customers will be entitled to easy access to their account information including statements / balances.

6. COMPLAINTS PROCEDURE/DISPUTE RESOLUTION

- (a) You are entitled to a fair and reasonable hearing when you have a genuine complaint or dispute and the company commits to resolving your issues as quickly as is reasonably possible. Please find our contact details for complaints:

(Insert contact details)

- (b) We will respond to formal complaints we receive about our services in a timely and professional manner. In the case of written complaints, within 10 working days.
- (c) Complaints shall be logged on the individual customer account with a tracking facility to ensure the complaint has been resolved and the customer notified of updates or the course of action taken to resolve the issue.
- (d) Billing disputes are handled on a case by case basis and recorded. We will liaise with you directly to resolve the matter.
- (e) Dispute resolution including withdrawal of service will be in line with the company policy available on the company website or which is sent out by post on request. This will be a fair and equitable process in line with good consumer policies.

7. EDUCATION AND RAISING AWARENESS

- (a) We shall implement an education and awareness programme in relation to waste management for householders for which we provide a service. This will be available via promotional literature that we provide directly to you and via our website or through the website of the relevant local authority.
- (b) Information packs shall be available to all customers clearly indicating waste types appropriate to each receptacle and how to deposit material for recycling.
- (c) We shall work with other national bodies in promoting waste prevention, reduction and recycling e.g. EPA / Repak etc.
- (d) We will provide Waste Segregation and Presentation Guidelines to customers, or at a minimum to the relevant local authority for publishing on their website, which clearly explain which materials are to be placed in which receptacle and accept at a minimum the recycling materials set out below and as prescribed in the seventh schedule of the Waste Management (Facility Permit and Registration) Regulations 2007. We will explain to you what happens to materials deposited in the residual, recycle and food waste receptacles.

Paper

Newspapers
Magazines
Junk mail
Envelopes
Paper
Phone books
Catalogues
Tissue boxes
Sugar bags
Calendars
Dairies
Letters
Computer paper
Used Beverage and Juice cartons
Milk cartons
Egg Boxes
Holiday brochures
Paper Potato bags

Cardboard

Food boxes
Packaging boxes
Cereal boxes
Kitchen Towel tubes

Aluminium cans

Drink cans

Steel cans

Pet food cans
Food cans
Biscuit tins
Soup tins

Plastic Bottles (PET 1)

Mineral Bottles
Water Bottles
Mouthwash bottles
Salad dressing bottles

Plastic Bottles (HDPE2)

Milk Bottles
Juice Bottles
Cosmetic bottles
Shampoo bottles
Household cleaning bottles
Laundry detergent bottles
Window Cleaning Bottles
Bath room bottles

Plastic packaging (PP)

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

(Optional — In addition, we will accept the following items in the recycling receptacle:)

8. TERMINATION OF SERVICE / REFUNDS / CHANGING SERVICE PROVIDERS

- (a) Should you wish to terminate your service provision, where applicable, please advise us by email or in writing or by phoning giving (number of days to be inserted) days' notice. Where applicable, any balance owing on your account, after a Cancellation Charge (if applicable) is

deducted, will be refunded to you within 30 days of receipt of termination notice.

- (b) We will ensure that there are no direct impediments to you switching your service provider.

SEVENTH SCHEDULE

Recyclable Household Waste Materials Accepted by Pay to Use Compactor
Units**Paper**

Newspapers
Magazines
Junk mail
Envelopes
Paper
Phone books
Catalogues
Tissue boxes
Sugar bags
Calendars
Dairies
Letters
Computer paper
Used Beverage and Juice cartons
Milk cartons
Egg Boxes
Holiday brochures
Paper Potato bags

Cardboard

Food boxes
Packaging boxes
Cereal boxes
Kitchen Towel tubes

Aluminium cans

Drink cans

Steel cans

Pet food cans
Food cans
Biscuit tins
Soup tins

Plastic Bottles (PET 1)

Mineral Bottles
Water Bottles
Mouthwash bottles
Salad dressing bottles

Plastic Bottles (HDPE2)

Milk Bottles
Juice Bottles
Cosmetic bottles
Shampoo bottles
Household cleaning bottles
Laundry detergent bottles
Window Cleaning Bottles
Bath room bottles

Plastic packaging (PP)

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



GIVEN under the Official Seal of the Minister for the Environment,
Community and Local Government,
15 May 2015.

ALAN KELLY,
Minister for the Environment, Community and Local
Government.

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation).

These regulations amend the Waste Management (Facility Permit and Registration) Regulations 2007 to provide that amendments of a clerical or technical nature may be made to Certificates of Registration and to provide for additional rules for pay to use compactor units accepting household waste.

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ó
FOILSEACHÁIN RIALTAIS,
52 FAICHE STIABHNA, BAILE ÁTHA CLIATH 2
(Teil: 01 - 6476834 nó 1890 213434; Fax: 01 - 6476843)
nó trí aon díoltóir leabhar.

DUBLIN
PUBLISHED BY THE STATIONERY OFFICE
To be purchased from
GOVERNMENT PUBLICATIONS,
52 ST. STEPHEN'S GREEN, DUBLIN 2.
(Tel: 01 - 6476834 or 1890 213434; Fax: 01 - 6476843)
or through any bookseller.

€3.81

