



Comhshaol, Pobal agus Rialtas Áitiúil  
Environment, Community and Local Government

11 February, 2015

To each local authority – Director of Services, Environment  
Copied to: Each local authority – Director of Services, Planning

***Circular Letter Ref: WP 01/15***

## **Re: Introduction of new household waste legislation**

A Chara,

As previously signalled, the Department intends to introduce a new legislative framework in 2015 to reform the regulation of the collection of household waste in line with the commitments contained in *A Resource Opportunity*<sup>1</sup>. This circular is intended to set out the foremost provisions of the new legislation and to clarify the timing of the introduction of same.

### **Kerbside Household Waste Collector obligations**

The Department intends to introduce measures to require collectors to have a customer charter in place and to meet certain minimum standards of customer service, such as specified frequencies of collection. It is intended to set out in law what the minimum content of these customer charters will be, to ensure that standards of service are high and are consistent nationally. As signalled previously, it will also become a statutory requirement for all collectors of household waste to have pay-by-weight systems in place and to record the weight of waste each time a bin is lifted as a condition of their permit. This requirement will apply to all collectors as of **1 July 2015**.

The requirement for collectors of household waste to **charge** on a by-weight basis will not apply until **July 2016** (although there will be nothing to stop collectors moving to weight based charges earlier than July 2016). This transitional phase is intended to provide an appropriate lead-in time for households to become familiar with the new system and encourage improved behaviours in terms of the prevention and segregation of waste in

<sup>1</sup> <http://www.environ.ie/en/Publications/Environment/Waste/WasteManagement/FileDownload,30729,en.pdf>

advance of the introduction of weight based charges. During this adjustment period households should be provided with the weight of each bin for each collection in order to encourage waste prevention and segregation and to allow them calculate the likely pay by weight charges after such fees have been announced by their service provider. The Department will be in further communication with the waste industry on this aspect.

In summary, the following mandatory conditions will apply to collectors of kerbside household waste:

#### Pay by weight

**July 2015:** Collector must have type approved<sup>2</sup> weighing mechanisms in place, weigh all waste streams collected, and if the collector has not already moved to the new weight based charging system, indicate to the customer the weight of each bin for each collection. As set out below, contravention of this condition, particularly in relation to having an approved weighing mechanism in place, could result in a collector having their vehicle detained or being served with an injunction under the Waste Management Act 1996 by the relevant local authority.

**July 2016:** Charge only on a pay-by-weight basis, however, the charging of a service fee will also be permitted (i.e. it will no longer be permissible to charge on a pay per throw / pay per tag / pay per lift basis);

The pay-by-weight per kilo fee for residual, recycle and food waste must meet the minimum fees set by the Department for the three waste streams to cover the cost of managing the waste from the first point of delivery to an authorised facility to (and including) its final treatment.

#### Verify customer details to enforcement authorities when requested

**July 2016:** The obligation to provide an authorised officer details which confirm a householder is using their service will be introduced in July, 2016 in line with the introduction of (i) the obligation on householders to demonstrate they are managing their waste and (ii) the fixed payment notice for householders who cannot demonstrate same.

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<sup>2</sup> All waste weighing systems placed on the market must be covered by either a National Type Approval or EC Type Approval granted prior to the coming into force of the Measuring Instruments Directive (2004/22/EC) in 2006. All instruments placed on the market post 2006 must be approved under the Measuring Instruments Directive. The NSAI has agreed to provide training on this issue; however, demonstrating compliance with this requirement will be part of obtaining a permit under the new legislation.

#### Provide minimum service levels

**July 2015:** Collectors will be required to collect the three household waste streams in line with the European Union (Household Food Waste and Bio-waste) Regulations 2013 at specified frequencies and accept a minimum set of prescribed materials in the recycle bin.

#### Have customer charters in place;

**July 2015:** Collectors will be required to have customer charters in place, the content of which will be set out in legislation.

It is intended that the legislation provide that a breach of any of the above conditions will be considered “1 strike” breaches. This means that a collector who contravenes one of the above conditions will trigger an automatic review of their permit (with the possibility of the permit being amended to remove the authorisation to collect household waste or the permit being revoked). As set out above, breaches of the above could also result in a collector having their vehicle detained or being served with an injunction under the Waste Management Act 1996 by the relevant local authority.

### **General provisions for collectors of waste**

It is the intention to introduce other provisions which will apply to all waste collection permit holders from July 2015, including fixed payment notices for specified offences, the “3 strike” approach to specified offences whereby an automatic review of a permit is triggered, provision for new national collection permits which specify different categories of waste collector, provision for a new application / review process of permits and the introduction of new fees for waste collection permit applications / reviews.

It is also the intention that all existing household waste collection permits will be reviewed in advance of 1 July 2015 and only collectors in possession of permits issued under the new legislation will be authorised to collect household waste after that date. Local authorities will play the key role in this regard. Enforcement officers will be expected to use all powers available to them under the Waste Management Act, 1996 including powers to halt, board or detain vehicles in accordance with section 14 of the Act or to seek orders in accordance with section 57 or 58 of the Act, to ensure that non-compliant collectors are prohibited from collecting household waste. The Department is extremely concerned that certain operators may flout the pay by weight requirement on 1 July, 2015. In this regard, the Department is currently considering how it can best incentivise the enforcement of this condition, including through target or performance based enforcement funding

## PTU obligations

All of the above mandatory Kerbside Household Waste Collector conditions will apply simultaneously to Pay-to-use compactors (PTUs) which accept waste directly from householders, but will be provided for separately through amendments to Waste Management (Facility Permit and Registration) Regulations 2007 (S.I. 821 of 2007). So, for example, in July 2015, all PTUs must have type approved weighing mechanisms and a customer charter in place, provide for and weigh all 3 waste streams accepted in line with the European Union (Household Food Waste and Bio-waste) Regulations 2013, and if the PTU has not already moved to the new weight based charging system, indicate to the customer the weight for each deposit of waste (and by individual waste stream). Similarly, Kerbside Household Waste Collector conditions in relation to verifying customers, charging on a pay by weight basis and charging a minimum fee as prescribed, will apply to PTUs from July 2016.

## Householder obligations

**July 2016:** As indicated above, the obligation on householders to demonstrate they are managing their waste and the introduction of fixed payment notices for householders who cannot demonstrate same, will be introduced in July, 2016.

## Obligations on Civic Amenity Sites, Transfer Stations and Landfills

Civic amenity sites, transfer stations and landfills or other authorised sites **which do not** accept **residual** kerbside<sup>3</sup> household waste directly from householders will be unaffected by the regulatory change.

**July 2015:** Civic amenity sites, transfer stations and landfills which accept **residual** kerbside household waste directly from householders will be required to have customer charters in place, the minimum content of which will be set out in legislation.

**July 2016:** Civic amenity sites, transfer stations and landfills which accept **residual** kerbside household waste directly from householders will be required to meet the July 2016 conditions imposed on kerbside household waste collectors as follows:

- Charge on a pay-by-weight basis for residual waste, it will no longer be permissible to charge on a pay per throw / pay per tag, flat fee or volume basis;

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<sup>3</sup> Household waste suitable for collection as part of a routine kerbside collection, i.e. not including household bulky waste, household C&D waste, household hazardous waste etc.

- The pay-by-weight per kilo fee for disposing of residual waste must meet the minimum fee set by the Department for this waste stream to cover the cost of managing the residual waste from the first point of delivery to an authorised facility to (and including) its final treatment.
- For local authority enforcement purposes, be in a position to confirm a householder is using their service in line with the introduction of (i) the obligation on householders to demonstrate they are managing their waste and (ii) the fixed payment notice for householders who cannot demonstrate same.

In summary, only civic amenity sites, transfer stations and landfills which accept residual kerbside household waste directly from householders will be affected. Such facilities will be obliged to have customer charters in place by July, 2015. These facilities will not be required to provide a service to accept all three waste streams of kerbside household waste but will be required to charge on a pay-by-weight basis for residual household waste accepted directly from householders from July, 2016, charge a minimum fee for this service as prescribed and be able to verify which households are using this service.

#### **Next Steps**

The Department is holding a workshop for local authority officers nominated from each functional area on 24 February, 2015 to outline the provisions of the new legislation and to develop an enforcement implementation plan. The Department is also planning to run a number of further seminars in the coming weeks and months, aimed at both local authorities and the waste industry, to ensure the seamless and consistent introduction of the new provisions across different service providers and across regions.

Yours faithfully,



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