

Joint Committee on Communications, Climate Action and Environment

Topic: 'Environmental Destruction Issues in light of the RTÉ Investigation on the increasing problem of illegal dumping in Ireland with particular reference to Donegal.'

11th July 2018

Opening Statement by Mr. Sean Murray Director of Services, Offaly County Council for Environment, Water Services and the National Waste Collection Permit Office

Introduction

The National Waste Collection Permit Office was established on the 1st of February 2012 in accordance with the provisions of the Waste Management Act, 1996 as amended; whereby a Local Authority can be nominated by other local authorities to Act on their behalf for the administration and regulation of the Waste Collection Permitting System.

Offaly County Council has been nominated to undertake this role on behalf of all local authorities and is branded as the National Waste Collection Permit Office (NWCPO).

Section 34 of the Waste Management Act requires that any person collecting waste for profit, reward or otherwise in the course of business must hold a waste collection permit. There are currently 2,010 waste collection permits issued for the state consisting of a wide range of waste collection operations e.g. contractors emptying septic tanks, soil hauliers, household kerbside waste collectors, hazardous waste collectors, hauliers for processed waste for export and end-of-life vehicle transport.

The primary role of the NWCPO is the processing of waste collection permit applications, the maintenance of the waste collection permit register and the ongoing administration of the

permits. The NWCPO was certified to ISO 9001 in 2014 and all applications are processed in accordance with the standard.

The NWCPO also hosts an online waste data reporting system, where waste collectors and waste facilities provide an annual return detailing their waste activities in the previous year, including the types and quantities of waste managed.

In 2015, the NWCPO commenced hosting a National Waste Facilities Register on behalf of all Local Authorities. This register consists of 924 local authority authorised waste facilities.

The Permitting Process

Applicants for a waste collection permit must complete an application form in a prescribed format. This application requests details on the applicant in order to assess their status as a “Fit and Proper Person” to hold a waste collection permit and details of the proposed waste activity.

A definition for a “Fit and Proper Person” is provided in Section 34D of the Waste Management Act.

A person is Not a “Fit and Proper Person” where any one of the following applies:

- 1) They have been **convicted of a prescribed offence** (under environmental legislation),
- 2) They don't have the **requisite technical knowledge or qualifications** to carry on that activity in accordance with the waste collection permit and the other requirements of the Act,
- 3) They are not likely to be in a position to **meet any financial commitments or liabilities** that will be entered into or incurred by him or her in carrying on the waste collection activity.
- 4) They have **previously had a waste collection permit revoked** (other than where the permit was surrendered),
- 5) They have had an **order made against him or her under section 57 or 58** of the Act by the High Court

The application process requires consultation with each local authority where the applicant is proposing to collect waste. The process also requires the publication of a notice in either a newspaper or on the NWCPO website to allow for public submissions.

The permit granted includes a standardised set of conditions including:

- Only authorising the collector to collect specified waste types
- Only authorising the collector to use specified waste facilities
- Only authorising the collector to use specified vehicles
- Only authorising the collector to collect in specified local authority areas

Waste Collection Permit sample with standard conditions attached as Appendix A.

The permit granted includes conditions in relation to the management of the activity, record keeping and reporting, management of vehicles and specific conditions depending on the waste types being collected.

In 2016 the conditions of all household kerbside waste collection permits were amended to introduce the requirement for the removal of a flat rate fee and the introduction of an incentivised charging system in accordance with the waste hierarchy.

Breaches of Waste Collection Permits

The NWCPO does not enforce the conditions of waste collection permits as this role rests with each individual local authority for their jurisdictional area. The NWCPO works in conjunction with local authorities where noncompliance has been identified and can review and/or revoke waste collection permits. The NWCPO relies upon the local investigations undertaken by local authorities in determining the review of a waste collection permit.

Local Authorities can issue fixed payment notices of €500 for breaches of specified permit conditions and issue warning or enforcement notices where other breaches are identified.

Where the NWCPO reviews a waste collection permit, this review can result in a direction to take corrective measures or the revocation of a waste collection permit. A permit can be revoked where a permit holder is no longer deemed to be a “Fit and Proper person” to hold a permit.

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Appendix A

Waste Collection Permit sample with standard conditions