



Better Regulation
Forum Secretariat
c/o Don O'Connor
Forfas
Wilton Park House
Wilton Place
Dublin 2

8th June 2006

Dear Don,

Regarding the recent BRF invitation for submissions, please find attached comments from the Irish Waste Management Association (IWMA), concerning regulation in the waste sector and suggested improvements.

The Irish Waste Management Association (IWMA), which is affiliated to IBEC and the European Federation of Waste Management (FEAD), is the recognised national representative body for the private waste management industry in Ireland.

We hope our comments and suggestions prove constructive. The Association would welcome the opportunity to meet the BRF to discuss issues raised in this submission. If you have any queries, please do not hesitate to contact me.

Regards

Erik O'Donovan
Secretary, IWMA

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1. Introduction

This document is in response to an invitation for submissions from the Business Regulation Forum (BRF), who are examining regulatory issues as they impact on business and competitiveness.

The Irish Waste Management Association (IWMA)^A welcomes the opportunity to comment on regulation as it impacts on the waste management sector and competitiveness. A competitive and environmentally sound waste management sector can help the country meet social, environmental and economic objectives. The IWMA believes effective regulation has a role in helping the waste management sector meet these objectives.

The key objectives of the paper are to outline the private sector perspective on how regulation impacts the waste management sector and to offer constructive suggestions on how to ensure regulation makes a positive contribution to the development of competitive and environmentally sound waste management infrastructure and services in the country.

The Association believes in meaningful consultation and dialogue with all stakeholders. IWMA looks forward to continued interaction with the forum in the development of a new approach to regulation.

^A Note:

The Irish Waste Management Association (IWMA) is affiliated to IBEC and is the recognised national representative body for the private waste management industry in Ireland. Membership consists of a broad spectrum of companies involved in waste collection, recycling, recovery, treatment and disposal, from both urban and rural areas, providing waste management solutions for both the public and private sector. The Association is a member of the European Federation of Waste Management and Environmental services (FEAD¹). The IWMA aims to improve standards and promote the development of the waste management sector as a recognised, professional and well-regulated industry.

¹ For further information, visit www.fead.be

2. Executive Summary

This document is in response to an invitation for submissions from the Business Regulation Forum (BRF), who are examining regulatory issues as they impact on business and competitiveness.

The Irish Waste Management Association (IWMA) welcomes the opportunity to comment on regulation as it impacts on the waste management sector. A competitive and environmentally sound waste management sector can help the country meet social, environmental and economic objectives. Appropriate regulation can undoubtedly assist this objective.

The waste management sector has seen enormous structural and regulatory change over the last decade. Waste management is one of the most regulated business sectors in Ireland governed by at least 29 statutory instruments on environmental protection.

The Association welcomes regulation when it is necessary, strong, inclusive, equitable, consistent, proportionate, accessible and effective. However while IWMA supports compliance, it has concerns that our regionalised regulatory approach has not matched the pace of structural and operational changes in the waste sector over the last decade. A conflict of interest exists in the sector in mandating a public sector market player to regulate its competitors in the private sector. Regional or functional differences in regulation and enforcement have created disparities in the sector leading to competitive and operational difficulties for private operators.

After a decade of regulation, the IWMA believes that our approach must now evolve. We believe that improved co-ordination or centralisation of regulation would better facilitate compliance, reduce the regulatory burden and support project/service delivery in the waste sector.

The IWMA suggest the following regulatory improvements:

2.1 General Comments

- The role of local authorities in the waste management sector should be clarified in new legislation. Local authorities should be involved in either the provision of waste management services/infrastructure or regulation but not both.
- If local authorities are to be allowed to continue as a market player in the waste management sector, they should compete under the same regulatory and commercial rules as the private sector. This could be achieved by allowing local authorities to transfer their waste asset/operating activities into an independent limited company that would then trade on a level playing field basis with the private sector similar to the system introduced in the UK in the 1980s.
- Regulators must validate the necessity for information, ensure utilisation of all available delivery channels and require information to be only collected once. The current duplication of regulatory requirements by local authorities and EPA could be avoided through better co-ordination or centralisation of certain regulatory functions.

2.2 Waste Planning

- Co-ordination of our various waste plans on a national level would better facilitate implementation and delivery. A single agency, with no commercial interest in the sector, should monitor, co-ordinate and protect the waste management hierarchy in the regional waste management plans.
- Disparities and delays in the planning system for private vs. public sector developments need to be addressed. Both the public and private sector should be subject to the same planning procedures for comparable waste management activities.
- The conflict of interest in planning posed by local authorities acting as both market player and regulator of their competitors in the private sector must be addressed.
- The IWMA suggests that a positive outcome would be to ensure that all comparable waste developments are determined equally in a similar regulatory framework by An Bord Pleanála.
- All operators must adhere to the provisions of the regional waste management plans and the DEHLG guidance on inter-regional movement of waste equally. A single national agency should ensure consistency in planning decisions for all operators and protect the plans for all operators in order to ensure delivery.
- In order to facilitate public and private sector co-operation in the implementation of the replacement regional waste management plans, a representative from the private sector should be invited to participate in each of the regional steering groups established to oversee the plans. The implementation of the regional plans should be monitored on an ongoing national basis by the DEHLG or a single agency. The results of this monitoring should be made public to encourage transparency and implementation.

2.3 Waste Facility Permits

- A single permit enforcement body, with no conflicting interests in infrastructure/service provision, such as the EPA would ensure uniformity in terms of the processing, issuing, interpretation and enforcement of waste facility permits.
- Regarding ‘registration vs. permits’, comparable public and private waste facilities should be subject to the same regulatory process and requirements. This process should be administered by an independent competent body with no commercial interest in the sector e.g. EPA.
- The determination, content, standard, interpretation and enforcement of waste facility permits (including costs, transparency, information requirements and timescales) should be consistent across geographical and sectoral (public and private) lines. Consistency facilitates adequate and transparent regulation of the whole sector. Minimum standards should be introduced into permits to introduce parity across the waste sector e.g. a comparable inspection and monitoring frequency.

- There should be specific statutory timescales included in legislation, by which local authorities are required to process and determine a waste permit application e.g. 8 weeks. A standardised time-frame for the determination of permit applications should complement that of waste planning.
- The Regulations do not contain any redress for applicants in terms of local authority delays in processing the application or in the conditions they impose. IWMA suggest an appeal process be included in the regulatory regime. In order to avoid a conflict of interest we suggest that appeals should be made to the EPA, if the local authorities are to retain responsibility for issuing permits.
- Provision should be made to allow partial review of permits for small operational changes at a permitted facility. This would eliminate the current need for a complete permit review, reduce delays in the issuing of permits and free up local authority resources.

2.4 Waste Collection Permits

- The IWMA believes a single central authority, with no commercial interest in waste management, should administer a single national waste collection permit for the collection of waste. IWMA believes the clear candidate for this role is the EPA.
- We suggest that, as with the system in the UK, waste carriers make a single uniform registration, which covers carriage of waste throughout the country, and details the company information rather than per vehicle information. The permit could detail the regions where the collector operates which would ease the burden of reporting but maintain a regional breakdown of waste generation.
- Local authorities are involved in the commercial collection of waste. Unlike their private sector counterparts, local authorities do not require collection permits nor have to incur the associated administrative costs. Commercial public sector operators should be subject to the same regulatory burden as their private sector competitors.
- The regulatory determination, interpretation and enforcement of the permits should be consistent for both public and private operators along geographical and sectoral lines.
- Permits should be flexible to allow small or short-term operational changes without triggering a full regulatory review e.g. the addition of a new vehicle or specialist equipment. This flexibility would help facilitate service provision during periods of high demand or where a vehicle is temporarily out of commission.

2.5 Waste Licences

- In the UK, following the *Hampton Review on Regulatory Inspections and Enforcement*, the Department of Environment Food and Rural Affairs gave a commitment to reduce the regulatory burden in the UK by 25% by 2010. In Denmark they published an Action Plan in 2002 containing a target to reduce the regulatory burden on businesses by 25% in four years. In light of international best practice the EPA should consider setting an overall target for Ireland.

- There should be better co-ordination between regulators across the whole waste sector.
- The enforcement effort and its associated costs should be risk based. An attainable regulatory dividend for risk reduction should be incorporated into licensing.
- The cost structure for enforcement should be transparent. The UK Environment Agency publishes clear pricing guidelines which were drawn up following a public consultation.
- Licensing and enforcement costs should be documented, justified and available. Price changes should be signalled as far in advance to operators as possible for budgeting purposes.
- The Agency must validate the necessity for information, ensure utilisation of all available delivery channels and require information to be only collected once.
- Enhancing regulatory transparency will contribute to the quality of licences; increase the likelihood of compliance and generate greater trust on the part of operators. It will help resolve the tensions between clarity, consistency, simplicity and accuracy

2.6 Administration of Waste Exports (TFS)

- The administration of transfrontier waste shipment (TFS) should be centralised or co-ordinated by one regulatory body e.g. EPA.
- TFS administration costs should be transparent, proportionate and consistent for all operators across the country. The UK Environment Agency publishes clear pricing guidelines which were drawn up following a public consultation.
- Administration and enforcement costs should be documented, justified and available. Price changes should be signalled as far in advance to operators as possible for budgeting purposes.
- Regulators must validate the necessity for information, ensure utilisation of all available delivery channels and require information to be only collected once.

2.7 Financial Instruments in Waste Management

- Grant aid from the 'Environment Fund' should be open to all operators in the waste sector not just public operators.
- In other EU countries, for example, the Netherlands, both public and private waste management services are subject to VAT. In Ireland, VAT is only applied to the provision of waste services by the private sector. This situation needs to be clarified in Ireland. A ministerial order from the Department of Finance that addresses competitive and social issues posed by the application of VAT on private vs. public operators regarding household waste management services.

2.8 Enforcement in Waste Sector

- The scope of enforcement needs to be widened beyond regulated facilities and collection services, if the perception of sham regulation or paper regulation is to be avoided.
- The Association believes in meaningful consultation and dialogue with all stakeholders. IWMA looks forward to continued interaction with the BRF in the development of a new approach to waste regulation.

3. Waste Regulation in Context

3.a. Private Sector Attitude to Regulation

The waste management sector has seen enormous structural and regulatory change over the last decade. Waste management has become highly professionalised and increasingly regulated. Presently there are at least 29 statutory instruments regulating waste management in the State [**Appendix 1**]. The regulatory framework governing waste management is colloquially known as the Waste Management Act 1996 -2005. Every step of the waste management chain is regulated, including waste planning, waste collection, movement and management. A strong regulatory regime is undoubtedly necessary in the waste management sector to:

- Protect public health and environmental standards.
- Discourage unauthorised waste activities
- Protect and reflect the professionalism and standards of compliant operators in the sector
- Protect economic development

The Irish Waste Management Association (IWMA) welcomes regulation when it is necessary, strong, inclusive, equitable, consistent, proportionate, accessible and effective. However while IWMA supports compliance, it has concerns that our regulatory approach has not matched the pace of structural and operational changes in the waste sector over the last decade.

A competitive and environmentally sound waste management sector can help the country meet social, environmental and economic objectives. Appropriate regulation can assist this objective.

3.b. Waste Sector Structure

The waste management sector consists of both public and private operators. It has been estimated that the waste market could be worth €1 billion².

When local authorities conceived and adopted Ireland's ten regional waste management plans in 2001, they were the traditional service providers in terms of waste collection and management. In the intervening years we have witnessed the rise of a professional and regulated private waste management industry. The private sector brings obvious benefits in terms of capital investment in infrastructure, specialist expertise and an understanding of waste marketplace dynamics.

More recently there has been a consolidation in the number of private service providers working over broader geographical areas often encompassing one or more of the regions.

² At Your Disposal, The Waste Industry in Ireland – Davy Stockbrokers (2003).

Private sector service providers now have responsibilities to customers on a national basis rather than in an arbitrary number of functional areas.

In several counties, local authorities no longer provide any waste collection services, but continue to operate their historic landfill capacity. The private sector now collects 60% of municipal waste arisings in Ireland³. The majority of commercial and industrial waste is collected by the private sector. Private operators operate the majority of the country's recycling and waste transfer facilities. Notwithstanding public private partnerships within the waste management sector, several major infrastructure projects, including recycling, thermal treatment and residual landfill are being advanced independently by the private sector.

The *Taking Stock and Moving Forward* policy document, published by the Department in April 2004, acknowledged the role of the private sector in delivering infrastructure and services and recommended a closer working relationship between the private and public sector⁴.

3.b.1. Regulatory Concerns:

- Under the current regulatory framework, local authorities enjoy a privileged commercial role and a dominant position in key market areas. Local authorities operate as market players in the waste sector, delivering waste management services and infrastructure, while simultaneously controlling the planning and regulation of their private sector competitors. This demonstrates a clear conflict of interest.

3.b.2 Regulatory Recommendations:

- The role of local authorities in the waste management sector should be clarified in new legislation. Local authorities should be involved in either the provision of waste management services/infrastructure or regulation but not both.
- If local authorities are to be allowed to continue as a market player in the waste management sector, they should compete under the same regulatory and commercial rules as the private sector. This could be achieved by allowing local authorities to transfer their waste asset/operating activities into an independent limited company that would then trade on a level playing field basis with the private sector similar to the system introduced in the UK⁵ in the 1980s.

³ Waste Management, Taking Stock and Moving Forward – DEHLG (2004)

⁴ Section 4.6, Waste Management, Taking Stock and Moving Forward – DEHLG (2004)

⁵ UK Local Authority Waste Disposal Company (LAWDC) system

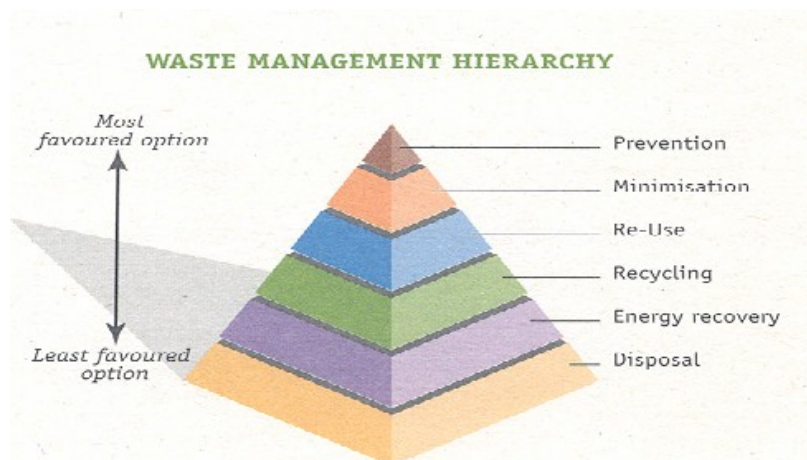
4. Waste Regulation in Practice

4.1 Waste Regulation - Policy

Policy governing the waste management sector is dictated on a supranational level by the European Community and a national level by the Department of the Environment, Heritage and Local Government. The European Commission develops EU waste policy⁶ and develops regulation to implement that policy.

European waste policy includes the internationally recognised waste management hierarchy and the polluter pays principle, which continues to be the basis for waste management legislation, policy and practice in the EU. As waste management is a heterogeneous problem, the hierarchy promotes an integrated solution based on a number of waste management solutions with waste prevention as the most favoured option.

Figure 1: The Waste Management Hierarchy



The Department of the Environment, Heritage and Local Government (DEHLG) develop Irish waste policy, in the context of EU policy and develops domestic regulation necessary to implement EU regulation and achieve policy objectives.

There have been three Departmental policy papers published on waste in the period 1998-2004⁷, culminating in the latest policy document entitled, *Waste Management – Taking Stock and Moving Forward*, published on 5th April 2004. The Department’s policy approach includes:

⁶ The European Commission initially set out its Community-wide waste policy in the Community Strategy for Waste Management of 1989 (SEC(89) 934 Final 1989). This cornerstone policy has been build upon by the European Community’s fifth and sixth action programmes on the Environment. The Waste Framework Directive (Directives 75/442/EEC as revised by 91/156/EEC and 91/689/EEC) provide the legislative framework for waste regulation in the EU.

⁷ Waste Management – Changing our Ways (DEHLG, 1998), Preventing and Recycling Waste – Delivering Change (DEHLG, 2002) and Waste Management – Taking Stock and Moving Forward (DEHLG, 2004)

- Strategic planning of waste management infrastructure and services on a regional basis
- Recognition of the increased role by the private sector in the provision of waste management services and infrastructure
- An integrated approach to waste management that reduces dependence on landfill and uses a suite of waste management options to deliver ambitious national and EU waste management targets. This approach is in keeping the EU waste management hierarchy.

4.2 Waste Regulation - Planning

The National Development Plan (NDP) is the blueprint for Ireland's investment in infrastructure, education and training, regional development and social inclusion. The existing NDP highlighted waste infrastructure as a 'key priority infrastructure' and as 'vital not only for economic protection reasons, but also for industrial development reasons, where lack of appropriate facilities may hamper development'⁸. The plan estimated that €825 million was required to meet the infrastructural deficit with around 70% coming from private investment.

The following State agencies/bodies have a role in planning waste management in the country:

- Department of the Environment, Heritage & Local Government (DEHLG)
- Environmental Protection Agency (EPA)
- Local authorities
- An Bord Pleanála

4.2.1 Role of DEHLG

On a strategic planning level, the DEHLG has:

- Adopted a regionalised approach to waste management in the country
- Developed a national strategy for the management of biodegradable waste⁹

4.2.2 Role of EPA

The EPA has a statutory responsibility for the development and regular review of a national plan for the management of hazardous waste¹⁰. The Agency must have regard to DEHLG waste policy and the regional waste management plans when considering waste licence applications it receives. The agency can limit the capacity of a waste facility through its licensing regime. Therefore the EPA can have an indirect effect on waste planning when licensing a facility.

⁸ National Development Plan 2000 – 2006, Section 4.6.1 –4.6.3 (Department of Finance, 2000)

⁹ National Biodegradable Waste Strategy (DEHLG, 2006). This is the blueprint for managing Ireland's biodegradable waste up to the year 2016.

¹⁰ National Hazardous Waste Management Plan – EPA (2001)

4.2.3 Role of Local Authorities

Under the Waste Management Acts 1996 to 2005, each local authority has a statutory responsibility to prepare a waste management plan for their functional area. The plans act as a strategic blueprint for waste infrastructural requirements in a functional area. Each regional waste plan is self-contained and provides for an integrated range of waste management solutions based upon the waste management hierarchy. Every plan provides the estimated capacity of several waste management solutions required in each region e.g. recycling, recovery and landfill etc. In addition each waste plan is linked to the development plan for the region. There is a provision that allows a waste management plan to take precedence where there is a direct conflict between it and a development plan for the region. The country has been divided up into regions and overall there are 10 regional waste management plans [Figure 2]. Waste plans must be registered with the European Commission.

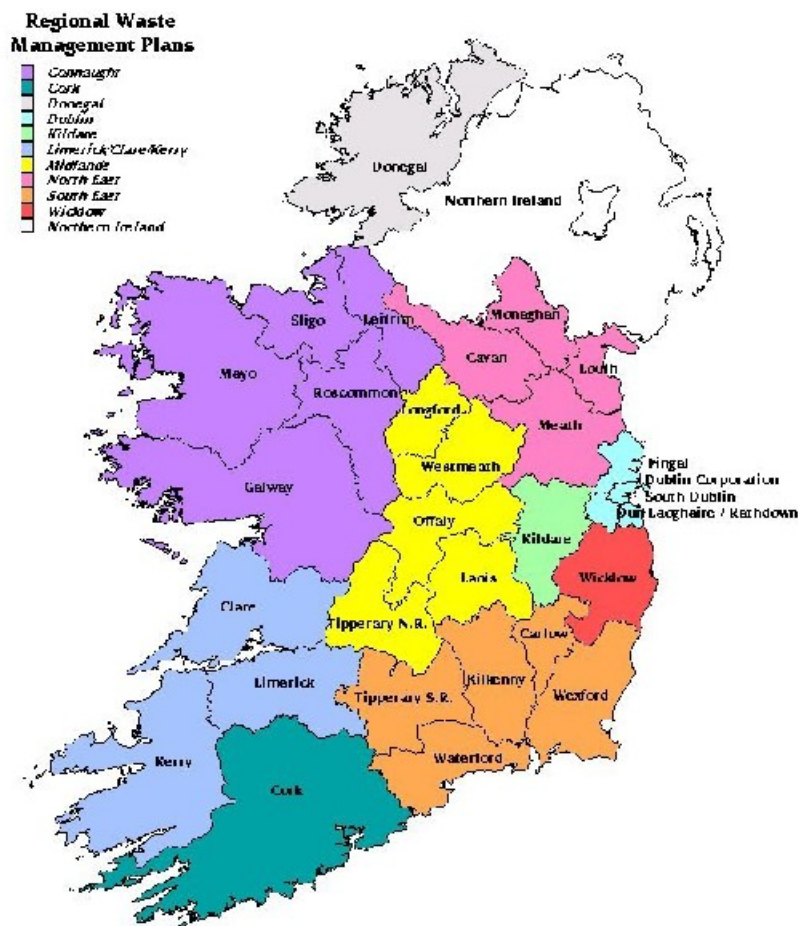


Figure 2: Overview of regional waste management plans in the Republic of Ireland.

As a market player, local authorities are involved in the delivery of waste management infrastructure. Local authority applications for waste infrastructure are processed directly by An Bord Pleanála. The planning departments of local authorities play a statutory role in the control of physical planning of private waste management infrastructure. Local authority planners must have regard to DEHLG policy and the regional waste management plan when determining a planning application made in respect of a private waste management facility.

4.2.4 Role of An Bord Pleanála (ABP)

ABP has a significant role in the development of public and private waste management infrastructure i.e.

- Determine appeals on decisions made by local authority planners in respect of a private waste infrastructure development.
- Consider applications from local authorities for public waste management infrastructure.

ABP must have regard to DEHLG policy and the regional waste management plan or a development plan in a region, when considering planning applications/appeals for waste infrastructure.

4.2.5 Outcome of Existing Regulatory Approach to Planning

While progress has been made in small-scale collection centres for household waste, little heavy indigenous infrastructure has been delivered to treat the waste collected. The ten existing regional waste plans identified 46 major national waste facilities; 12 biological treatment plants; 17 materials recovery facilities, 7 thermal treatment plants and 10 new landfills, as required to deal with Ireland's waste¹¹. To date, only a handful of these are operational.

The major difficulties experienced by private waste operators in delivering new infrastructure and services under this strategic planning approach were:

- Regional waste plans developed in 1999 were only adopted by local government in 2001, when the adoption of the plans became an executive rather than a reserved function of local government. This delay meant the market moved on while the waste plans became outdated. This uncertainty hampered investment and delivery.
- Difficulties arose in how planners interpreted the 'regionalisation' of waste management and the European 'proximity principle'. The planners' interpretation restricted certain waste facilities to only accepting waste from within their own 'waste' region. This created a number of difficulties with the implementation of infrastructure, including economies of scale, but more seriously, created a commercial imbalance between potential facility providers and their customers. A restriction of inter-regional movement of waste may render more capital-intensive projects as 'unbankable'.

Artificially high prices for consumers due to capacity and access constraints were the inevitable consequences.

Positive regulatory responses have been:

- Section 4.3. of the Department's '*Taking Stock and Moving Forward*' policy document highlights the need for appropriate inter-regional co-operation and acknowledges that recent planning decisions, while '*recognising the well intentioned support for the regional approach...is too blunt an instrument for this purpose*'. On

¹¹ Key Waste Management Issues in Ireland Update Report - Forfas (2003)

3rd May, 2005 the Minister issued a policy direction,¹² which stated that the ‘...proximity principle does not entail interpreting administrative waste management planning boundaries in such a manner as to inhibit the development of waste infrastructure...’.

- Updated replacement regional waste management plans have been in development since April 2005 to take account of recent changes in the waste sector.

4.2.a Regulatory Concerns

The IWMA supports the full implementation of and adherence to the regional waste management plans but has the following concerns:

- While local authorities are market players in the waste sector they also have regulatory powers to dictate the planning of infrastructure by their competitors in the private sector. There is a conflict of interest in the dual role played by local authorities as both waste management planners and waste management service providers.
- In a review of waste licence and planning applications of 19 representative waste management facilities under development in Ireland since 2000 a number of apparent inconsistencies arose in the regulatory approach towards the public and private sector¹³. The planning system for large local authority waste infrastructure projects differs from that applied to the private sector, in that a local authority project proceeds directly to An Bord Pleanála (ABP) for a determination. While ABP and EPA take approximately the same time to assess public and private projects, the fact that local authorities go directly to ABP for developments within their own functional area cuts 17 months off the time frame. This regulatory head start for local authorities is another inequality in a structure that presents significant challenges in time, costs and resources to the private sector.
- Notwithstanding recent ABP decisions, inconsistencies exist between the treatment of public and private sector developments by ABP over the ‘regionalisation’ issue. In the North-east region, Knockharley landfill (a private sector development) and Whiteriver landfill (a local authority development) are subject to differing interpretations on inter-regional co-operation and the proximity principle by ABP. Knockharley may not accept waste from outside the region, but Whiteriver may do so. Clearly this situation provides local authority facilities with a competitive advantage and hampers private sector market entry into the same geographical area.
- Furthermore, the Whiteriver decision was a major contravention of the stated recommendations of the regional waste plan. Despite a statutory obligation to have regard for the regional waste management plans, both ABP and the EPA allowed

¹² Circular WIR: 04/05: ‘Policy guidance pursuant to Section 60 of the Waste Management Act 1996 (as amended) – 1. Action against illegal waste activity and 2. Movement of Waste’, DEHLG (2005)

¹³ Review of Waste Licence and Planning Applications for Selected Waste Management Facilities in Ireland 2001 – 2004, Presented by Sean Finlay, TES Consulting Engineers at the Sunday Business Post Waste Summit, September 2004

local authorities in the North-east region to expand their landfill capacity beyond that provided for by their own waste management plan for the region¹⁴.

- Capacities for each waste management technology identified in regional waste management plans are there to protect the waste management hierarchy. If regulators do not protect the waste hierarchy, as in Whiteriver, they disincentivise private investment in alternative competing technologies and at worse promote a reliance on one technology to the exclusion of an integrated approach to waste management.
- Government policy states that in “*updating the waste management plans the local authorities concerned will pay particular attention to ensuring effective engagement with the private waste industry; and the outcome of this engagement, together with other relevant factors, will be reflected in the final updated waste management plans adopted*”¹⁵. This is positive step forward. Whilst waste management plans are prepared and adopted by the local authorities in each waste region, private waste concerns are playing an increasing role in the delivery and operation of key waste management services. The IWMA feels that regulation should provide a clear mandatory rather than arbitrary structure where public-private engagement on the waste plans can happen and where the results of the engagement are tangible and quantifiable.
- Waste management planning in Ireland consists of several unconnected waste management plans¹⁶ developed in isolation and regulated by several different agencies¹⁷. Private waste operators now have responsibilities to waste customers on a national basis rather than just in a number of arbitrary functional areas. While IWMA supports the regional waste management plans we are concerned that there is no linkage between the various plans. There is no single agency co-ordinating, monitoring or protecting the regional waste plans in the country. Some commentators have questioned who exactly is responsible for the regional waste management plans?¹⁸

4.2.b. Regulatory Recommendations

- Co-ordination of our various waste plans on a national level would better facilitate implementation and delivery. A single agency, with no commercial interest in the sector, should monitor, co-ordinate and protect the waste management hierarchy in the regional waste management plans.
- Disparities and delays in the planning system for private vs. public sector developments need to be addressed. Both the public and private sector should be subject to the same planning procedures for comparable waste management activities.

¹⁴ ABP Reference: PL. 15.E.L. 2004 and EPA Reference 60-2.

¹⁵ Waste Management, Taking Stock and Moving Forward – DEHLG (2004)

¹⁶ Ten regional waste management plans, one National Hazardous Waste Management Plan and National Biodegradable Waste Strategy.

¹⁷ Ten regional waste management planning authorities, 34 local authorities, the EPA, An Bord Pleanala and the DEHLG.

¹⁸ Who are the protectors of the Regional Waste Management Plans in Ireland? - CEWEP (2005)

- The conflict of interest in planning posed by local authorities acting as both market player and regulator of their competitors in the private sector must be addressed.
- The IWMA suggests that a positive outcome would be to ensure that all comparable waste developments are determined equally in a similar regulatory framework by An Bord Pleanála.
- All operators must adhere to the provisions of the regional waste management plans and the DEHLG guidance on inter-regional movement of waste equally. A single national agency should ensure consistency in planning decisions for all operators and protect the plans for all operators in order to ensure delivery.
- In order to facilitate public and private sector co-operation in the implementation of the replacement regional waste management plans, a representative from the private sector should be invited to participate in each regional steering group that oversees their implementation. The implementation of the regional plans should be monitored on an ongoing national basis by the DEHLG or a single agency and the results made public¹⁹.

¹⁹Similar to the Department's review of the current regional waste plans, *National Overview of the Waste Management Plans* – DEHLG (2004)

4.3 Waste Regulation - Waste Management Activities

The main regulators and authorisations involved in the control of waste management activities are outlined below [Table 1]

Table 1: Overview of the Regulation of Waste Management Activities

Waste Management Activity	Regulatory Control	Issued By
Private temporary storage of hazardous waste, on the premises where it is generated, of greater than 25,000 litres of liquid waste or 40 m ³ of non-liquid waste	Certificate of registration ^A	Local authority
Private operation of certain specified waste recovery and disposal facilities	Waste facility permit ^A	Local authority
Operation of certain waste recovery facilities by a local authority	Certificate of registration ^A	EPA
Collection and transport of waste	Collection permit ^B	Local authority ^D
Operation of certain specified waste recovery and disposal facilities by both public and private operators, including all landfills.	Waste licence ^C	EPA
Movement of hazardous waste within the country	Consignment note (also known as C1 Documentation) ^E	Local authority
Movement of waste abroad	Transfrontier Shipment (TFS) Documentation ^F	Local authority

^A Waste Management (Permit) Regulations, 1998 **and** Waste Management Acts 1996 to 2005

^B The Waste Management (Collection Permit) Regulations, 2001

^C The Waste Management Licensing Regulations, 2004 **and** Waste Management Acts 1996 to 2005

^D Ten nominated local authorities issue and administer waste collection on behalf of all local authorities on a regional basis. Local authorities do not require a waste collection permit for the collection and transport of waste.

^E Waste Management (Movement of Hazardous Waste) Regulations, 1998

^F Council Regulation (EEC) No. 259/93 on the supervision and control of shipments of waste within, into and out of the European Community **and** Waste Management (Transfrontier Shipment of Waste) Regulations, 1998

The IWMA supports regulation and compliance of waste management activities but has the following concerns:

4.3.1 Waste Facility Permits

Local authorities control the permitting of certain small scale waste facilities controlled by the private sector. Small scale local authority waste activities do not require waste permits but may be registered with the EPA [Table 1]. Like waste planning, the regulation of waste facility permits is localised to the functional area of the local authority where the private waste facility operates. This regulatory approach has led to certain operational concerns for the private sector.

4.3.1.a Regulatory Concerns

Consistency

- Regulatory inconsistency presents competitive issues between operators who must operate under different regulatory regimes or operate in different functional areas with different rules. A patchwork of regulatory regimes presents a significant administrative challenge to the private sector, which operates at national level or in several different functional areas.
- As the administration of waste permits is localised, there is disparity in the standard and content of waste permits determined, issued and enforced by the various local authorities. For example, permits issued by Limerick City Council, follow the format of an EPA waste licence others follow an in-house style.
- There is disparity between the heterogeneous regulatory structure of local authority waste facility permits and relatively homogenous regulatory structure of EPA waste licences.
- There is disparity in the enforcement effort between local authority waste facility permits and EPA waste licences issued to private waste operators e.g. the frequency of monitoring and inspections.
- Under the current Waste Management (Permit) Regulations 1998, local authorities are required to apply for a certificate of registration for their recovery facilities. Clarity is required on the need for permit vs. registration. The obligations of public waste facility 'registration' is not perceived to be the same as private waste facility permitting for comparable waste activities.

Conflict of interest

- Local authorities have a dual role as market player and regulator. This is a conflict of interest.

Delays

- The industry is experiencing significant uncertainty and time delays of between 18 and 24 months in obtaining facility permits because there is no regulatory timescale on the determination of a permit application. The Regulations do not contain any redress for applicants in terms of local authority delays in processing the application or in the conditions they impose. These delays are often unnecessary, not transparent and discourage investment and delivery in this sector. The delays in issuing permits offer an opportunity to illegal waste operators.
- Small scale operational changes on a permitted site require a full review of a permit. This causes unnecessary delays, unnecessary regulatory burden and further administration to local authorities.

4.3.1.b Regulatory Recommendations**Conflict of interest**

- A single permit enforcement body, with no conflicting interests in infrastructure/service provision, such as the EPA would ensure uniformity in terms of the processing, issuing, interpretation and enforcement of waste facility permits.

Consistency

- Regarding 'registration vs. permits', comparable public and private waste facilities should be subject to the same regulatory process and requirements. This process should be administered by an independent competent body with no commercial interest in the sector e.g. EPA.
- The determination, content, standard, interpretation and enforcement of waste facility permits (including costs, transparency, information requirements and timescales) should be consistent across geographical and sectoral (public and private) lines. Consistency facilitates adequate and transparent regulation of the whole sector. Minimum standards should be

introduced into permits to introduce parity across the waste sector e.g. a comparable inspection and monitoring frequency.

Delays

- There should be specific statutory timescales included in legislation, by which local authorities are required to process and determine a waste permit application e.g. 8 weeks. A standardised time-frame for the determination of permit applications should complement that of waste planning.
- The Regulations do not contain any redress for applicants in terms of local authority delays in processing the application or in the conditions they impose. IWMA suggest an appeal process be included in the regulatory regime. In order to avoid a conflict of interest we suggest that appeals should be made to the EPA, if the local authorities are to retain responsibility for issuing permits.
- Provision should be made to allow partial review of permits for small operational changes at a permitted facility. This would eliminate the current need for a complete permit review, reduce delays in the issuing of permits and free up local authority resources.

4.3.2 Waste Collection Permits

The Waste Management (Collection Permit) Regulations 2001 were originally enacted to promote the appropriate management of non-hazardous waste, track waste movements and combat unauthorised waste activities. The IWMA are concerned that the existing regulations have not been implemented with these aims in mind.

Local authorities regulate the collection and movement of waste by private operators [**Table 1**]. Like waste planning, the regulation of waste collection is regionalised, with ten different local authority regulatory groupings.

Due to changes and consolidation in the market place, many private sector operators now act on a national basis and not simply in one region. The fact that regulation is regionalised while the waste sector operates on broader geographical areas, presents several practical problems to service delivery. We respectfully suggest that the current regulatory system is inequitable and is interfering with legitimate commercial activities unnecessarily.

4.3.2.a Regulatory Concerns

Cost

- Each regional collection permit costs €1,200. To operate nationally costs operators €12,000.
- The hidden cost is the administration and preparation of permit applications for ten different regimes.

Conflict of interest

- Local authorities and private operators compete directly for waste collection services in certain regions. There is a clear conflict of interest in allowing local authorities to act as market players while regulating their competitors.
- In addition, local authorities are exempt from needing a waste collection permit which gives them an unfair competitive advantage over private operators, whom they compete with and regulate.

Consistency

- The situation of ten different regional local authority groupings has led to inconsistency and disparity in conditions and requirements imposed on private operators in waste collection permits. This has led to substantial administrative complexity, bureaucracy and unnecessary costs/delays. It has distorted the operating conditions across the market for private operators, with no apparent environmental benefits. Examples of this inconsistency include:
 - The level of detail required in some applications varies and can be excessive. Some local authorities ask for information covered by other legislation e.g. Road Traffic Act.
 - Updated information regarding new vehicles and disposal/recovery sites is rarely acknowledged and the actual section of the permit (carried in the truck) with the fleet and sites listed is never reissued even though it is the only portion of any interest to regulators/operators reading the permit at checkpoints or weigh-bridges.
 - Some local authorities require vehicles to carry copies of their permits. The waste collection permits have the identification details of every truck as an Appendix. Other authorities send out letters of receipt regarding the addition of a new waste stream/vehicle to a

collection permit, and request that this letter be stored on the vehicle in question. The requirement to carry significant volumes of paperwork in the cab of a bin lorry/skip truck is impractical especially if you have ten permits to each vehicle. Is it realistic to expect operators to have ten permit details (& logos) on each vehicle, some with a requirement for large letters. Other authorities want them visible on the windscreen? A standardised card with the collection permit number and vehicle registration attached to the windscreen should be sufficient.

- When introducing small or short-term operational changes to a permit, ten notifications and ten permit revisions are necessary. The regional disparity in the response time can be very significant. This bureaucratic situation occurs when adding in additional EWC²⁰ codes, additional approved waste outlets or other simple amendments for short term needs e.g. hire a vehicle or specialist equipment for a short-term defined period during high demand or where a vehicle has broken down or is being repaired. Some operators have large fleets of trucks and every time a new vehicle is added to a permit or an old vehicle sold, they have to re-issue the entire fleet with the revised waste collection permits. This can occur every week of the year and is a bureaucratic nightmare for a large private company.
- Under the existing Regulations, changes in information by the operator must be furnished within 4 weeks. Some local authorities have demanded shorter time periods i.e. 10 days. This is excessive, local authorities should stick to 4 week timeline.
- There is a creeping requirement for companies to have ownership of all their vehicles. It should be clear that owner-drivers acting exclusively for a waste management company are adequately covered under the collection permit of that company. IWMA has raised this issue with local authorities on permits issued to date. However insurance for owner-drivers included in the fleet is still a bone of contention with some local authorities. It is not feasible for large waste management companies to have multiple collection permits. Owner drivers employed by a waste management company to collect waste, whereby they are insured by that company's public liability insurance, and their own vehicular insurance, should not pose an issue when they are included in that company's waste collection permit. Owner-drivers cannot afford to have permits in multiple regions and would certainly find it difficult to administer. Pushing for unnecessary permits for individual drivers is a revenue raising exercise without any environmental benefits. The IWMA

²⁰ European Waste Code (EWC), a European nomenclature to describe waste streams.

suggest that legislation allows owner drivers employed by a waste management company to collect waste, when they are included in that company's waste collection permit.

- In areas where local authorities are in direct competition with the private sector. It is unreasonable to expect customer information under the collection permit, as this is commercially sensitive and confidential information.
- Each local authority waste collection permit issued refers to 'costs or charges' may be charged to cover the costs of ongoing monitoring of compliance with the collection permit. However, there has never been any indication as to how much this would be. A standard yearly monitoring fee should be agreed.
- Condition 14(1) of the waste collection permit regulations requires that decisions be made on a waste collection permit within 12 weeks of an application/request for additional information. This is too long and still an issue as there are many waste collection permits that are still in a state of application. Like waste licenses and waste permits the industry is experiencing significant uncertainty and delays in obtaining collection permits. These delays are often unnecessary, not transparent and discourage investment in this sector. The regulations were designed to tackle illegal dumping and track waste movements but the delays in issuing permits offer an opportunity to illegal waste operators.
- There appear to be some regions proposing to restrict overnight transportation, or ensure that collections and deliveries occur on the same day. This is not practicable under our current infrastructure and makes outer counties harder to service and indeed penalises them economically. The logic being that in some cases wastes may overnight in unlicensed depots etc. However in Germany they allow 5 days or more. For example under TFS procedures wastes can be held at a port and may sit there for a day or two before shipping to the destination port and then may also sit there for a day or so before being forwarded on. None of these port facilities or transport depots require licensing, as it would be not be practicable. Any such move here would again introduce unworkable practices that make the system a farce. Flexibility in this area would facilitate servicing of small waste producers in outlying counties where infrastructure is poor and the volume of specific niche waste streams too low.

Duplication

- Other local authorities, in counties within the ten waste management regional authorities (WMRAs), still make Section 18 Notice requests for information from operators rather than getting it from lead authority in that region where the AER/application was submitted. There appears to be little communication within or between the WMRAs. A significant amount of information reported to the EPA in accordance with site licenses is duplicated in collection permit AERs. This is inefficient.

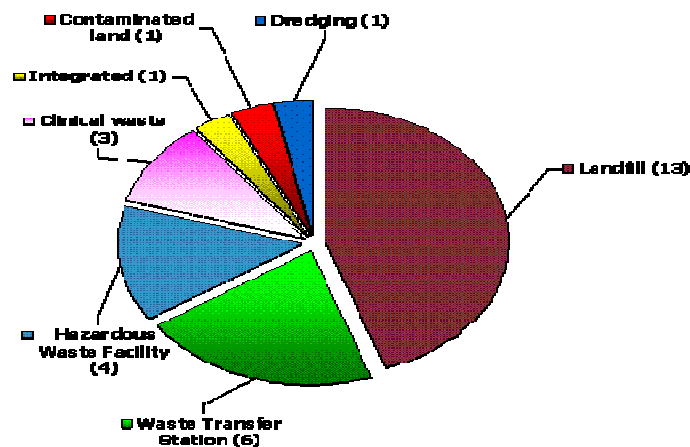
4.3.2.b Regulatory Recommendations

- The IWMA believes a single central authority, with no commercial interest in waste management, should administer a single national waste collection permit for the collection of waste. IWMA believes the clear candidate for this role is the EPA.
- We suggest that, as with the system in the UK, waste carriers make a single uniform registration, which covers carriage of waste throughout the country, and details the company information rather than per vehicle information. The permit could detail the regions where the collector operates which would ease the burden of reporting but maintain a regional breakdown of waste generation.
- Local authorities are involved in the commercial collection of waste. Unlike their private sector counterparts, local authorities do not require collection permits nor have to incur the associated administrative costs. Commercial public sector operators should be subject to the same regulatory burden as their private sector competitors.
- The regulatory determination, interpretation and enforcement of the permits should be consistent for both public and private operators along geographical and sectoral lines.
- Permits should be flexible to allow small or short-term operational changes without triggering a full regulatory review e.g. the addition of a new vehicle or specialist equipment. This flexibility would help facilitate service provision during periods of high demand or where a vehicle is temporarily out of commission.

4.3.3 Waste Licences

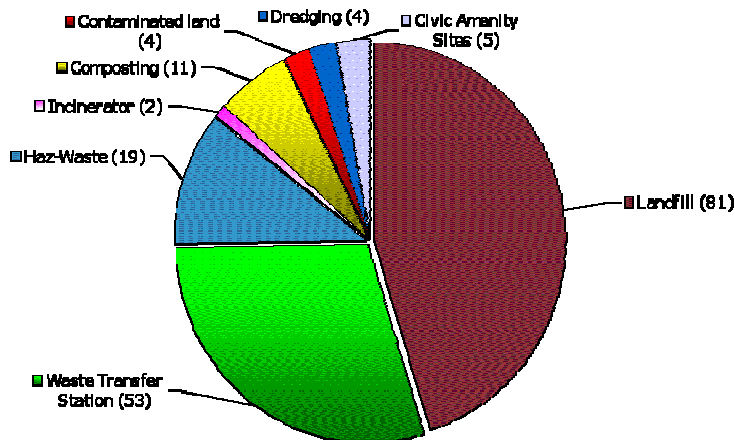
The EPA control the licensing of large scale public and private waste management facilities [Table 1]. An overview of the licensed waste sector is represented below [Figure: 3-4]

Figure 3: Licensed Waste Facilities 1997-1999^A



^A Licensing began in 1997. Thirty licences were granted by 1999. The application cost was up to €22,000.

Figure 4: Licensed Waste Facilities 2004-2005^B



^B By 2004-2005, approximately 177 waste licences were operational. The application cost was up to €37,000.

The waste sector has changed dramatically since 1996, it is now made of mature facilities where enormous capital investment in addition to substantial resources on training have eliminated or controlled risks and emissions thus reducing environmental impact.

The IWMA has a number of concerns around the current licensing regime:

4.3.3.a Regulatory Concerns

- At present, waste licences are complex, bureaucratic and prescriptive removing the necessary flexibility required to meet licence limits imposed.
- As licences and standards have evolved in the last 10 years, more conditions have been added while none have been discarded, reflecting a disconnect between the real aim of reducing risk and simply meeting licensing requirements.
- Timescales for the determination of some licenses can take up to 46 months. In a fluid and dynamic market, decisions from the Agency are often critical and on occasions operators find licence inspectors not sufficiently responsive and times spans for some regulatory decisions can be at least 6 months. Regulatory delays mean that the market has moved on by the time an operator gets a project to market.
- Operators believe that licences are not risk based as they fail to clearly identify or prioritise the key points. Prioritisation is essential rather than an “everything in the licence is important attitude”.
- There is an overlap in monitoring with other regulatory authorities such as local authorities.
- Operators in the licensed sector must compete with operators outside the licensed sector. The scope of enforcement remains limited to the licensed sector. The IWMA believe that scope of enforcement needs to be expanded beyond regulated activities to cover unauthorised waste activities by the unregulated sector.
- The Association have concerns around the transparency of enforcement costs paid by the licensed sector and its environmental impact. Standards have improved but costs are higher today than they were in 1997 when licensing began.

4.3.3.b Regulatory Recommendations

- In the UK, following the *Hampton Review on Regulatory Inspections and Enforcement*, the Department of Environment Food and Rural Affairs gave a commitment to reduce the regulatory burden in the UK by 25% by 2010. In Denmark they published an Action Plan in 2002 containing a target to reduce the regulatory burden on businesses by 25% in four years. In light of international best practice the EPA should consider setting an overall target for Ireland.
- There should be better co-ordination between regulators across the whole waste sector.
- The enforcement effort and its associated costs should be risk based. An attainable regulatory dividend for risk reduction should be incorporated into licensing.
- The cost structure for enforcement should be transparent. The UK Environment Agency publishes clear pricing guidelines which were drawn up following a public consultation.
- Licensing and enforcement costs should be documented, justified and available. Price changes should be signalled as far in advance to operators as possible for budgeting purposes.
- The Agency must validate the necessity for information, ensure utilisation of all available delivery channels and require information to be only collected once.
- Enhancing regulatory transparency will contribute to the quality of licences; increase the likelihood of compliance and generate greater trust on the part of operators. It will help resolve the tensions between clarity, consistency, simplicity and accuracy

4.3.4 Administration of Transfrontier Waste Shipments

Local authorities regulate transfrontier waste shipments (TFS) [Table 2]. The purpose of this regulation is to regulate waste movements and combat illegal activities. The IWMA understands that ‘appropriate’ administrative charges may be levied by local authorities on waste shipments under the EU Regulation 259/93. Approximately 891,240 tonnes of Irish waste was recycled abroad in 2004.

TFS administrative costs are based upon an application fee to export waste and a movement fee per shipment/load.

4.3.4.a Regulatory Concerns

Like most waste regulation the administration of waste exports is regionalised. The IWMA is seriously concerned that there is a serious disparity in the administrative costs for shipping waste from different local authority functional areas. We feel that costs in certain regions are excessive, distort competition in the sector and are a barrier to operating in certain regions of the country.

Appendices 2 and 3 provide a graphical overview the disparity in TFS administrative costs across the country in 2005 and 2006 respectively.

Table 2: Cross-section of Local Authority TFS Administrative Costs 2005-2006

Local Authority Area	APPLICATION FEE (€) 2006	APPLICATION FEE (€) 2005	FEE/LOAD (€) 2006	FEE/LOAD (€) 2005
Dublin City	€ 125	€ 125	€ 40	€ 40
Dun Laoghaire	€ 0	€ 0	0	€ 0
Fingal	€ 600	€ 534	€ 80	€ 70
South Dublin (SDCC)	€ 600	€ 760	€ 60	€ 120
Galway	€ 160	€ 160	€ 0	€ 0
Limerick	€ 350	€ 350	€ 100	€ 50
Waterford	€ 300	€ 300	€ 20	€ 25
Cork	€ 55	€ 90	€ 55	€ 55
National Average	€161	€158	€36	€32
National Average excluding SDCC	€141	€132	€34	€28

Disparities exist within the Dublin region and with the other main local authority areas. For example South Dublin County Council (SDCC) remains one of the most expensive areas to operate. South Dublin’s charges are higher than several areas with comparable TFS volumes and areas who have charge of ports and their associated export activities e.g. Munster and Dublin City. SDCC’s TFS administrative charge was 475% more expensive than the national average cost deemed appropriate by other local authorities in 2005 and will be 325% more expensive than the national average in 2006.

IWMA estimates that in 2005, the comparative cost for a typical member company's volume of TFS documents was €43,000 compared to the actual SDCC charge of €120,000 or a national average of €31,700.

4.3.4.b Regulatory Recommendations

- TFS administration should be centralised or co-ordinated by one regulatory body e.g. EPA..
- TFS administration costs should be transparent, proportionate and consistent for all operators across the country. The UK Environment Agency publishes clear pricing guidelines which were drawn up following a public consultation.
- Administration and enforcement costs should be documented, justified and available. Price changes should be signalled as far in advance to operators as possible for budgeting purposes.
- Regulators must validate the necessity for information, ensure utilisation of all available delivery channels and require information to be only collected once.

4.3.5 Waste Regulation – Financial Instruments

4.3.5.1 Market Based Instruments

The 'Environment Fund' is financed by a levy imposed on the use of landfill or plastic bags. These market based instruments should affect most consumers equally irrespective of who their waste service provider is. The regulatory function of the fund is to change consumer behaviour and to a lesser extent support waste management initiatives²¹ Grant aid from the fund is not open to private operators in the waste sector at present. While the private sector agrees with the fund being used to support social or uneconomic infrastructure e.g. bottle banks etc., it has concerns that grant aid from the fund presents a competitive advantage to public operators over private operators when it comes to developing comparable and competing infrastructure. While 60% of municipal waste is collected by the private sector, it cannot access grant aid. Therefore private operators cannot pass on any potential service benefit to their customers that the grants would bring.

By the end of 2005, €42 Million of the fund had been used to support local authority waste management infrastructure and recycling operational costs²². Approximately €11.9 million of the fund was used to resource waste management enforcement initiatives by local authorities and the EPA's Office of Environmental Enforcement (OEE).

²¹ See Section 74(9) of the Waste Management Act 1996, as inserted by section 12 of the Waste Management (Amendment) Act 2001 and the Waste Management (Environment Fund) (Prescribed Payments) Regulations 2003.

²² Written reply to Question 663, Ref. 30591/05 Minister for the Environment, Heritage and Local Government (Mr Roche) – 25th October 2005.

4.3.5.2 VAT

Unlike the private sector, local authorities do not have to apply VAT to their waste management services. While this is not really an issue for commercial customers, it is an issue at the household level where users cannot claim back VAT.

4.3.5.a Regulatory Concerns

Consumers subject to environmental levies in areas serviced by the private sector may not receive the benefits of the Environment Fund. While the regulation's aim is 'polluter pays' not all the population are impacted by the fund in the same way.

Household consumers serviced by the private sector are subject to VAT. This situation allows local authorities a 13% (€30 million) head-start, where there is direct competition between the public and private sector for household services. Similar to the environment fund situation, it means the tax burden is uneven. At worse the extra cost is a disincentive to the uptake of waste management services and encourages unauthorised waste activities e.g. backyard burning.

4.3.5.b Regulatory Recommendations

- Grant aid from the 'Environment Fund' should be open to all operators in the waste sector.
- In other EU countries, for example, the Netherlands, both public and private waste management services are subject to VAT. This situation needs to be clarified in Ireland. A ministerial order from the Department of Finance that addresses competitive and social issues posed by the application of VAT on private vs. public operators regarding household waste management services.

4.4. Enforcement:

Unauthorised waste activities highlighted in the media are reprehensible. They demonstrate clearly the problems faced by the established and reputable waste management industry working within the current regulatory framework.

The Irish Waste Management Association (IWMA) unequivocally condemns the practice of illegal dumping which it believes is a symptom of the deficit in enforcement and infrastructure. The IWMA welcomes the new Office of Environmental Enforcement (OEE), its new enforcement network and the government's commitment to funding enforcement initiatives at a local level via funds from the earmarked environment fund²³. Enforcement, for those acting within the law, is a prerequisite to a successful business. If there is proper enforcement, then investment opportunities thrive. Lack of enforcement on the other hand

²³ Approximately €11.9 million of the environment fund has been used to resource waste management enforcement initiatives by local authorities and the EPA's Office of Environmental Enforcement (OEE) to date.

encourages rogue operators to enter or stay in the industry. The Bacon Report noted that, “*there is little doubt that the economic benefits of operating illegally still outweigh the risks of being caught.*”²⁴

If this situation is not rectified, the net effect of illegal activities leaves the legitimate private operators at a competitive disadvantage and if allowed to continue, could deter any further major investment by the private sector. “*The commercial wisdom of working within the system may also be brought into question if some companies are, in effect, allowed to operate outside the law with seeming impunity*”¹⁰. While the IWMA acknowledges that resources for enforcement are important, the efficacy of the enforcement effort needs to be examined. The OEE has stated that ‘*while there is evidence of a reduction in large-scale organised illegal waste activity, there is also evidence of increases in fly-tipping and backyard burning of waste. There is also evidence of widespread illegal collection of waste from both households and commercial enterprises.*’²⁵ The scope of enforcement needs to be widened beyond regulated facilities and collection services, if the perception of sham regulation or paper regulation is to be avoided.

5. Conclusions

A competitive and environmentally sound waste management sector can help the country meet social, environmental and economic objectives. Appropriate regulation can undoubtedly assist this objective.

The waste management sector has seen enormous structural and regulatory change over the last decade. Waste management is one of the most regulated business sectors in Ireland governed by at least 29 statutory instruments on environmental protection.

The Irish Waste Management Association (IWMA) welcomes regulation when it is necessary, strong, inclusive, equitable, consistent, proportionate, accessible and effective. However while IWMA supports compliance, it has concerns that our regionalised regulatory approach has not matched the pace of structural and operational changes in the waste sector over the last decade. A conflict of interest exists in mandating a public sector market player to regulate its competitors in the private sector. Regional or functional differences in regulation and enforcement have created disparities in the sector leading to competitive and operational difficulties for private operators.

After a decade of regulation, the IWMA believes that our approach must now evolve. We believe that improved co-ordination or centralisation of regulation would better facilitate compliance, reduce the regulatory burden and support project/service delivery in the waste sector.

²⁴ *Strategic Review & Outlook for Waste Management Capacity and the Impact on the Irish Economy – A report by Peter Bacon & Associates (2002)*

²⁵ *Nature and Extent of Unauthorised waste Activity in Ireland – Office of Environmental Enforcement, EPA (2005)*

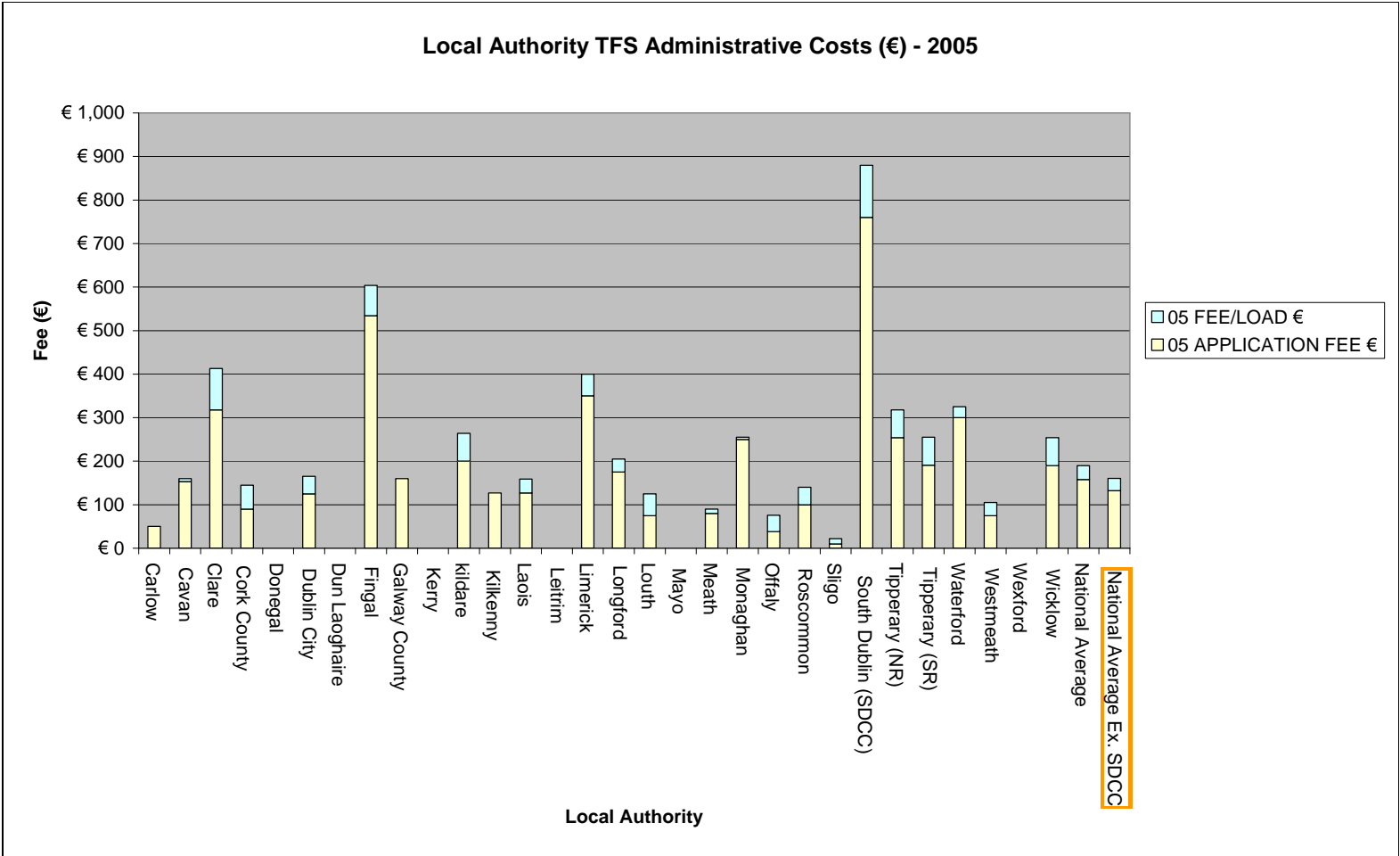
Appendix 1: Overview of Environmental Legislation Regulating Waste Sector

Title of Main Regulatory Instrument	Regulatory Aim	Main Aspects
<ol style="list-style-type: none"> 1. Environmental Protection Agency Act, 1992 2. The Waste Management Act, 1996 3. The Waste Management (Amendment) Act, 2001 4. Protection of the Environment Act 2003 	<p>Provide regulatory framework for waste management sector</p>	<ul style="list-style-type: none"> • Provides legal definition of non-hazardous and hazardous waste. • Prescribes obligations on producers and holders of waste to manage wastes in an environmentally sound manner. • Defines waste management activities and specifies regulatory controls for waste management activities e.g. licensing. • Establishes regulators and specifies their roles and requirements.
<ol style="list-style-type: none"> 5. Waste Management (Planning) Regulations, 1997 	<p>Provide framework for the strategic planning of waste management infrastructure.</p>	<p>EPA is required to prepare a national hazardous waste management plan.</p> <p>Local authorities are required to prepare waste management plans for their functional areas on a regional basis. There are ten regional local authority waste management plans.</p> <p>The development plan in force in a particular area is deemed to include the objectives of the relevant waste management plan. If there is a conflict of interest the objectives of the waste plan are to prevail.</p>
<ol style="list-style-type: none"> 6. Local Government (Planning and Development) Act 2000 	<p>Control physical planning of waste management infrastructure</p>	<p>Provides regulatory framework for the control of physical planning in the state.</p>
<ol style="list-style-type: none"> 7. European Communities (Amendment of Waste Management Act 1996) Regulations, 1998 8. Waste Management (Amendment 	<p>Provide for correct transfer and movement of waste in an environmentally sound manner</p>	<p>Waste may only be transferred to an appropriately licensed or permitted person/facility that is going to handle or manage the waste in an environmentally sound manner.</p>

<p>of Waste Management Act 1996) Regulations, 1998</p> <p>9. Waste Management (Miscellaneous Provisions) Regulations, 1998</p> <p>10. Waste Management (Movement of Hazardous Waste) Regulations, 1998</p> <p>11. Council Regulation (EEC) No. 259/93 on the supervision and control of shipments of waste within, into and out of the European Community</p> <p>12. Waste Management (Transfrontier Shipment of Waste) Regulations, 1998</p> <p>13. The Waste Management (Collection Permit) Regulations, 2001</p>		<p>Private waste operators can only collect and transport waste under the conditions of a waste collection permit issued by a local authority, There is no equivalent regulation of local authority waste collection operators.</p> <p>Movement of hazardous waste within the State requires C1 documentation.</p> <p>Movement of waste abroad must comply with transfrontier shipment (TFS) documentation requirements</p>
<p>14. Waste Management (Permit) Regulations, 1998</p> <p>15. The Waste Management Licensing Regulations 2004</p>	<p>Provide for the regulation, control and management of physical waste management infrastructure.</p>	<p>Operation of certain specified waste recovery and disposal facilities requires a permit issued by a local authority</p> <p>Operation of listed waste recovery and disposal facilities, including all landfills requires a licence issued by the EPA</p>
<p>16. Local Government (Water Pollution) Act, 1977 and Local Government (Water Pollution) (Amendment) Act, 1990</p> <p>17. Air Pollution Act 1987</p> <p>18. The EPA Act (Noise) Regulations, 1994</p> <p>19. The Litter Pollution Act 1997 and the Litter Pollution Regulations, 1997</p>	<p>Control emissions from waste management activities to environmental media that may potentially pollute or cause nuisance</p>	<p>Provides regulatory framework to control or prevent potential air, water, litter and noise pollution from waste management activities.</p>
<p>20. Waste Management (Hazardous Waste) Regulations, 1998</p>	<p>Provides for the control and management of</p>	

21. Waste Management (Hazardous Waste) (Amendment) Regulations, 2000	hazardous waste in an environmentally sound manner.	
22. Waste Management (Use of Sewage Sludge in Agriculture) Regulations, 1998 23. Waste Management (Use of Sewage Sludge in Agriculture) Regulations 2001	Provides for the control of waste applied to land.	
24. The European Communities Act, 1972 (Access to Information on the Environment) Regulations, 1998	Provide public access to environmental information.	
25. Waste Management (Environmental Levy) (Plastic Bag) Regulations 2001 26. Waste Management (Landfill Levy) Regulations 2002	Provide for Market Based Instruments (MBIs) related to waste management	Provides for financial levies on use of plastic bags and waste sent to landfill.
27. Waste Management (Packaging) Regulations 2003 and the Waste Management (Packaging) (Amendment) Regulations 2004 28. Waste Management (Farm Plastics) Regulations 2001 29. The Waste Management (Waste Electrical and Electronic Equipment) Regulations 2005	Provide for Producer Responsibility Initiatives (PRIs) related to waste management	Prescribes downstream waste management responsibilities for persons or organisations (i.e. producers) involved in the manufacture or supply of certain products or materials. In a PRI, producers must take responsibility for the management of the waste streams generated at the end of their products' useful life. Several PRIs exist for: <ul style="list-style-type: none"> • Packaging (Repak) • Farm plastics (IFFPG) • Waste electrical and electronic equipment (WEEE Ireland and ERP) and • Construction and demolition waste (NCDWC)

Appendix 2: Overview of Local Authority TFS Administrative Fees (€) - 2005



Appendix 3: Overview of Local Authority TFS Administrative Fees (€) - 2006

