

WASTE MANAGEMENT (MISCELLANEOUS PROVISIONS) REGULATIONS 1998

In exercise of the powers conferred on the Minister for the Environment and Local Government by sections 7 of the Waste Management Act, 1996 (No. 10 of 1996), which said powers are delegated to me by the Environment and Local Government (Delegation of Ministerial Functions) (No. 2) Order, 1997 (S.I. No. 428 of 1997), I, Dan Wallace, Minister of State at the Department of the Environment and Local Government, hereby make the following Regulations:—

REG 1

1. (1) These Regulations may be cited as the Waste Management (Miscellaneous Provisions) Regulations, 1998.
- (2) These Regulations shall come into operation on the 20th day of May, 1998.

REG 2

2. The purposes for which these Regulations are made include the purpose of giving effect to provisions of Council Directive 75/439/EEC of 16 June, 1975 on the disposal of waste oils, as amended by Council Directive 87/101/EEC of 22 December, 1986 (1) (1) O.J. No. L 194/23, 25 July 1975 and O.J. No. L 42/43, 12 February 1987.

REG 3

3. In these Regulations—
"the Act" means the Waste Management Act, 1996;
"Dublin Corporation" means the Right Honourable the Lord Mayor, Aldermen and Burgesses of Dublin.

REG 4

4. It is hereby prescribed that summary proceedings for an offence under the Act may be brought by any person.

REG 5

5. Section 32(2) of the Act shall not apply in respect of the transfer of waste to a person who is not prohibited under the Act or the Act of 1992 from undertaking the collection, recovery or disposal of the category of waste in question.

REG 6

6. (1) It is hereby prescribed that the 20th day of May, 1998 shall be the prescribed day for the purposes of section 34(1) of the Act in relation to the collection of waste oils for the purpose of transporting such waste from the premises at which it is held.
- (2) Section 34(1) of the Act shall not apply in respect of the collection of waste oils by a person for the purpose of

transporting such waste from the premises at which it is held, where such collection is carried on under and in accordance with a waste collection permit granted to that person by—

(a) the local authority in whose functional area the principal place of business of the person is situated, or

(b) in the case of a person whose principal place of business is situated outside of the State, Dublin Corporation.

(3) Section 34(1) of the Act shall not apply in respect of the collection of waste oils by a person for the purpose of transporting such waste from the premises at which it is held, where—

(a) a permit granted to the person under the 1992 Regulations was in force immediately prior to the commencement of these Regulations, and the permit would have continued in force save for the revocation of the 1992 Regulations by the Act, and

(b) the collection activity is carried on in accordance with the terms of the permit.

(4) Article 6 of the Waste Management (Movement of Hazardous Waste) Regulations, 1998 shall not apply in respect of the collection of waste oils carried on in accordance with the requirements of this article.

(5) In this article —

"the 1992 Regulations" means the European Communities (Waste Oils) Regulations, 1992 (S.I. No. 399 of 1992), and

"waste oils" means any mineral-based lubrication or industrial oils which have become waste, including used combustion engine oils, gearbox oils, mineral lubricating oils, oils for turbines and hydraulic oils.

REG 7

7. The Schedule to the Waste Management (Planning) Regulations, 1997 is hereby amended by the addition of—

(a) the following paragraph after paragraph (b) in Part 5.3:

"(bb) the need to give priority to the processing of waste oils by regeneration," and

(b) the following paragraph after paragraph (a) in Part 5.5:

"(aa) the need to ensure that satisfactory arrangements exist for the collection of waste oils from holders,".

REG 8

8. A person shall not furnish information which is false or misleading to a material extent in any document used for the purposes of these Regulations.

REG 9

9. (1) A local authority may, by notice in writing, require a person to whom these Regulations apply to defray or contribute towards any costs incurred by the local authority in the performance of its functions in relation to these Regulations, including the cost of any inspection or investigations carried out or caused to be carried out by the local authority, and the taking and analysis of any sample of waste.

(2) A person on whom a notice is served under sub-article (1) shall comply with the requirements of the notice within such period, being a period of not less than three weeks, as may be specified in the notice, and in default of such payment, the amount concerned may be recovered by the local authority concerned as a simple contract debt in any court of competent jurisdiction.

Dated this 19th day of May, 1998

DAN WALLACE

Minister of State at the Department of the Environment and Local Government

EXPLANATORY NOTE

These Regulations prescribe the day on or after which the collection of waste oils requires a waste collection permit in accordance with section 34(1) of the Waste Management Act, 1996. They also provide for other matters including the prosecution of offences by any person, the transfer of waste, the making of waste management plans, the defrayal of costs incurred by local authorities and the provision of information.