

S.I. No. 87/2008 — Waste Management (Collection Permit) (Amendment) Regulations 2008

S.I. No. 87 of 2008

WASTE MANAGEMENT (COLLECTION PERMIT) (AMENDMENT) REGULATIONS 2008

Notice of the making of this Statutory Instrument was published in

“Iris Oifigiúil” of 8th April, 2008.

The Minister for the Environment, Heritage and Local Government, in exercise of the powers conferred on him by sections 7, 15, 18, 19, 34, 36 and 50 of the Waste Management Acts 1996 to 2007, hereby makes the following Regulations:—

1. These Regulations may be cited as the Waste Management (Collection Permit) (Amendment) Regulations 2008.

2. The Waste Management (Collection Permit) Regulations 2007 (S.I. 820 of 2007) are hereby amended by—

(a) The substitution of the following sub-article for sub article 1(2)—

“(2) These Regulations shall come into operation on 01 June 2008.”;

(b) The substitution of the following paragraph for paragraph 6(2)(e)—

“(e) state that a copy of the application will be available for inspection or purchase at the principal office of the nominated authority from as soon as may be.”;

(c) The substitution of the following paragraphs for paragraphs 7(3)(a), 7(3)(b) and 7(3)(c) which immediately follow paragraph 7(3)(e)—

“(f) the fee payable in accordance with article 8 and as set out in the third schedule of these Regulations,

(g) in the case of a multi-regional application a copy of the complete application for each relevant local authority, and

(h) in the case of an application relating to the collection of hazardous waste a copy of the complete application for the Agency.”;

(d) The substitution of the following paragraph for paragraph 8(2)(b)—

“(b) in the case of an application for the review of a waste collection permit, the fee payable shall be half the amount indicated in column (2) of the third schedule for each relevant region subject to a maximum fee of €2,500.”;

(e) The substitution of the following sub-article for sub article 11(1)—

“(1) Where a nominated authority receives an application in respect of a waste collection activity which will be carried on within the functional area or areas of any other local authority, it shall notify such other relevant local authority or other relevant local authorities as soon as may be, and that notice shall be accompanied by a copy of the said application, including any information and particulars received pursuant to a notice under article 9. Any additional information submitted by the applicant under article 10, and any submissions received under article 13, shall also be circulated, as soon as they become available, to the relevant local authorities in whose functional areas in which the waste collection activity is proposed to be carried out.”;

(f) The substitution of the following sub-article for sub-article 13(5)—

“(5) Where a relevant local authority or the Agency specifically state that particular matters raised in any submission to the nominated authority under sub-article (4) are required for the implementation of the Waste Management Plan for their region or, as the case may be, the National Hazardous Waste Management Plan, the nominated authority must incorporate conditions in the permit to give effect to such provisions.”;

(g) The substitution of the following paragraph for paragraph 14(4)(b)—

“(b) the amount concerned may be recovered by the nominated authority or relevant local authority concerned as a simple contract debt in any court of competent jurisdiction.”;

(h) The substitution of the following sub-article for sub article 16(3)—

“(3) Where a notice has been given under sub-article (2), the nominated authority may, at any time after the expiration of the period specified in the notice, and after considering the submission (if any) made to the authority pursuant to the notice,

declare the application to which the notice relates to have been abandoned.”;

(i) The insertion after paragraph (c) of sub-article 17(3) of the following—

“A local authority may, if it considers it proper to do so in any particular case, regard a person as a fit and proper person for the purposes of this Part notwithstanding that that person or any other relevant person has been convicted of an offence under the Act, the Environmental Protection Agency Acts 1992 and 2003, the Local Government (Water Pollution) Acts 1977 and 1990 or the Air Pollution Act 1987 .”;

(j) The substitution of the following paragraph for paragraph 20(2)(b)—

“(b) ensure that where biowaste collected under the waste collection permit is transferred to a composting or biogas facility for the purpose of treatment and where animal by-products form all or part of that biowaste, that the facility has been approved in writing by the nominated authority for use by the permit holder and there is in force an appropriate veterinary authorisation issued by the Minister for Agriculture and Food in accordance with article 10 (6) of the European Communities (Transmissible Spongiform Encephalopathies and Animal By-Products) Regulations 2006 (S.I. No. 612 of 2006),”;

(k) The substitution of the following sub-article for sub article 21(d)—

“(d) an offence under article 9 of the Waste Management (Transfrontier Shipment of Waste) Regulations 2007 (S.I. No. 419 of 2007),”;

(l) The insertion after paragraph (c) of sub-article 28 (6) of the following—

“A local authority may, if it considers it proper to do so in any particular case, regard a person as a fit and proper person for the purposes of this Part notwithstanding that that person or any other relevant person has been convicted of an offence under the Act, the Environmental Protection Agency Acts 1992 and 2003, the Local Government (Water Pollution) Acts 1977 and 1990 or the Air Pollution Act 1987 .”;

(m) The substitution of the following paragraph for paragraph 29(1)(c)—

“(c) the activity is, or may be, in contravention of the Waste Management (Facility Permit and Registration) Regulations 2007; Waste Management (Movement of Hazardous Waste) Regulations, 1998 or Waste Management (Transfrontier Shipment of Waste) Regulations 2007,”;

(n) The substitution of the following paragraph for paragraph 30(1)(g)—

“(g) the collection and transport of animal by-products, other than catering waste,

within the meaning of the European Communities (Transmissible Spongiform Encephalopathies and Animal By-Products) Regulations 2006 (S.I. No. 612 of 2006), subject to any amendment that may be made to those regulations from time to time,”;

(o) The insertion after paragraph (b) of sub-article 32(1) of the following—

“(2) A waste collection permit holder shall furnish such information to the Agency in relation to waste collected or brokered within a specified period, including information on the waste type, classification and quantity, its origin and destination, and the treatment, recovery or disposal activities to which it was subject in such form and at such frequency as may be specified by the Agency.”;

(p) The substitution of the following sub-article for sub-article 33(1)—

“(1) A holder of a waste collection permit shall give notice in writing to the nominated authority which granted the said waste collection permit of any changes in the information furnished to that local authority under article 7(1) or 10, other than those changes referred to in articles 20(2)(l) and 20(2)(m), in advance of any such change coming into effect.”;

(q) The substitution of the following paragraph for paragraph 34(1)(b)—

“(b) such relevant information as provided for under the requirements of Article 7(1) in relation to waste collection activities for which a waste collection permit is granted, reviewed or revoked,”;

(r) The substitution of the following sub-article for sub-article 36(2)—

“(2) A person who fails to comply with a notice or to provide information that a nominated authority or the agency requires under these regulations shall be guilty of an offence.”;

(s) The substitution of the following sub-article for sub-article 37(2)—

“(2) For the purposes of ensuring that waste collection permit holders are complying with their obligations under these regulations, a nominated authority or, as the case may be, a local authority may take all reasonable measures as are decided to be appropriate in each case, including measures prescribed under sections 14, 15, 16 and 18 of the Act.”.

(t) The substitution of the following paragraph for paragraph (j) of the Fifth Schedule—

“(j) information in relation to any offence, prescribed under article 21, of which the person has been convicted within the period of ten years prior to the

making of the Notification, including information in relation to the court hearing the case, the nature of the offence and any penalty or requirement imposed by the court, and”.



GIVEN under the Official Seal of the Minister for the Environment, Heritage and Local Government,

31 March 2008

JOHN GORMLEY.

Minister for the Environment, Heritage and Local Government.

EXPLANATORY NOTE

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

These Regulations amend the Waste Management (Collection Permit) Regulations 2007 to correct certain typographical errors or omissions.

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