



Sligo County Council Waste Management Bye-Laws, 2013

Explanatory Notes

Executive Summary:

Sligo County Council proposed to update the Waste Bye-Laws 2005, regulating the management, presentation and collection of waste within the county, which have been in place since 2005 and are known formally as the 'Sligo County Council Presentation of Waste for Collection Bye-Laws 2005'. The purpose of the change is to regulate the manner in which households and commercial premises store and present their waste for collection by authorised waste collectors. Significant work has been carried out by staff of Sligo Local Authorities to implement and enforce the 2005 bye-laws. However, there remain fundamental issues with regard to proper management of waste, particularly with regard to certain households who do not appear to be able to account for how they dispose of their waste. There is a legitimate concern that unaccounted for waste may be contributing to illegal waste activity such as fly-tipping and backyard burning. Further more, diversion of organic/bio-degradable waste from the general waste stream remains high on the agenda as specific targets must be met by all EU countries in order to meet compliance with the EU Landfill Directive.

Introduction:

Sligo County Council, in exercise of the powers conferred on it by Section 35 of the Waste Management Act, 1996, as amended, and in accordance with Part 19 of the Local Government Act, 2001, has made new bye-laws for the County of Sligo relating to the presentation, storage and segregation, for the purpose of and in the course of the collection of household and commercial waste and certain ancillary, consequential and related waste management matters. It should be noted that provision has been made in the recently adopted Bye-Laws for the imposition of fixed penalty notices in accordance with section 206 of the Local Government Act, 2001.

The draft bye-laws concerning the presentation, storage, segregation and collection of household and commercial waste in County Sligo were approved by Sligo County Councils Strategic Policy Committee (SPC 2 Environment Policy) on 12th March 2013. A total of 3 written submissions were received during the public consultation period which was carried out from Tuesday 6th August 2013 until Tuesday 8th October 2013. Comments made in these submissions were considered in the Final Draft to go before the Council on Monday 4th November 2013.

Background:

By way of background, the population in County Sligo, according to Census 2011, is 65,393 with 33,044 occupied households. According to waste records for 2010 submitted to the EPA:

- Almost 47% of households in County Sligo availed of a regular kerbside household waste collection service.
- The national average of households availing of a regular waste collection service was documented as 71%.
- In 2010, a total of 3,075 tonnes of household waste was deposited at Sligo County Council's two Civic Amenity Sites and 40 Bring Banks

National statistics on waste for 2010 clearly show that local authorities with a large urban base tend to have a greater proportion of households availing of a regular waste collection service than local authorities with a large rural base, as is the case in County Sligo, where certain households may not be in close proximity to a regularly serviced waste collection route.

Based on these statistics, this means that there are a high percentage of households in County Sligo whose waste cannot be accounted for. There is no legal requirement under current national waste legislation that compels households to avail of a regular waste collection service. However, such a proposal has been put forward in the recent Government waste policy document entitled 'A *Resource Opportunity*' published by the Department of Environment, Community and Local

Government in July 2012. In section 4.3.2 of the policy document, it makes reference to proposed policy actions and measures so that ‘*all householders will be obliged to demonstrate that they are availing of an authorised waste collection service or are otherwise managing their waste in an environmentally acceptable manner...*’. It is envisaged that the Government will put in place regulations to bring the proposed policy measures into effect and that the regulations will have penalties and fines for non-compliance. It is not clear at this stage when the proposed measures will be put in place.

It is in this context that Sligo County Council have made new and updated Waste Bye-Laws that would, among other things, require households to avail of a collection route serviced by an authorised waste collector. It is believed that the introduction of the ‘compulsion’ clause for household waste collection would greatly assist Sligo County Council who have certain functions under litter pollution legislation, in ensuring that household waste is properly managed and that disposal and recycling of the waste is carried out in an authorised manner.

Households not availing of a regular waste collection service from an authorised waste collector will be required to prove that they arrange to dispose of their own waste in an authorised manner and will be required to provide proof in the form of receipts when requested to do so by authorised Council staff. Legitimate methods of recycling and disposing of household waste include the use of Civic Amenity sites (Domestic use only). Householders who wish to use Civic Amenity Sites must maintain a record of receipts for a minimum of three years.

The Bye-Laws will be known as the ‘*Sligo County Council Waste Management Bye-Laws 2013*’ and will apply to all of County Sligo.

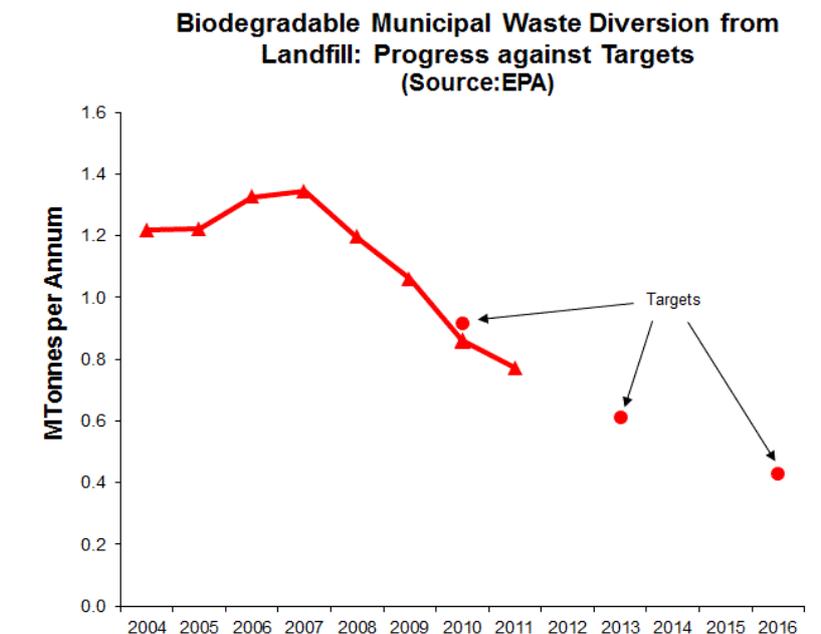
Changes to the new Waste Management Bye-Laws 2013 are as follows:

- Obligation placed on the commercial and domestic sector to register with a waste collection service and/or maintain records (for a minimum of three years) if opting for waste disposal at Civic Amenity Sites (Domestic Sector only). This will allow Sligo Local Authorities to identify areas or people that are not using a waste collection service and/or a Civic Amenity Site and proceed to inspections of properties and/or enforcement measures.
- A more accurate recording system to be implemented by Waste Collectors whereby each receptacle for the separate waste types will be fitted with a microchip/bar code system. Each time the receptacle is presented for collection, the Waste Collector will be able to record the tonnage, time and date of collection for this waste type. This information is for the benefit of the customer, waste collector and statistical return information.

- The introduction of a three bin system for households. The three bin system will be phased in to specific built up areas in Sligo. (Those not on the specific list will retain a two bin system but the use of compost bins in these areas will be highly encouraged). The system will comprise of:

1. A general waste or landfill receptacle.
2. A dry recyclables receptacle
3. A food / bio-degradable waste receptacle/caddy

The rationale behind the introduction of a three bin system is to divert as much biodegradable fraction as possible away from landfill. Landfilling of biodegradable municipal waste (BMW) can result in high emissions of methane which is a greenhouse gas and a potential source of odour nuisance. There are targets under the Landfill Directive to divert BMW from landfill. Ireland met the first diversion target (due by July 2010) which was to landfill a maximum 75% of the BMW generated in 1995. The following graph outlines the EU diversion targets for 2013 and 2016.



- The list of built up areas that must retain a three bin collection system are as follows:

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|----------------|----------------|----------------|
| - Ballisodare | - Coolaney | - Strandhill |
| - Ballymote | - Dromore West | - Mullaghmore |
| - Borough Area | - Drumcliff | - Rathcormac |
| - Carney | - Easley | - Rosses Point |
| - Cliffoney | - Enniscrone | - Riverstown |
| - Collooney | - Grange | - Tubbercurry |

- The current dry recyclable bag and tag system operating in Sligo will be phased out over a three month period from the adoption of the Waste Presentation Bye-Laws 2013. This system does not allow accountability to ensure all households are correctly recycling. It is being replaced by a micro-chipped/bar coded dry recyclable receptacle which can be provided to households following registration with a waste collector and/or transporting dry recyclables to Civic Amenity Sites (ensuring receipts maintained). The sale of bags and tags to shop outlets will cease from **3rd February 2014**.
- Fixed penalty notices or on-the-spot fines of €75 may be issued for contravention of the Bye-Laws. It should be noted that €75 is the maximum fine amount permissible under the Local Government Act, 2001 (Bye-Laws) Regulations S.I. 362 of 2006. Prosecution for contravention of the Bye-Laws can be taken at the District Court with the maximum fine set at €1,905 for those found guilty.
- Prohibition of burning by waste. The burning of waste continues to be a major and increasing problem in County Sligo. Inspections and enforcement measures will be imposed to clamp down on this growing problem. The unauthorised burning of waste can be an illegal practice and is an offence under the Waste Management Act 1996, as amended, the Air Pollution Act 1987 and the Waste Management (Prohibition of Waste Disposal by Burning) Regulations 2009. The burning of waste includes a wide range of activities and it is important that members of the public understand why these activities are not acceptable and what these activities are as well as the dangers posed to people and the environment by committing such offences. People tend to burn waste in an effort to dispose of waste in a manner they perceive to be practical and convenient, however, it is important to understand that the burning of any waste arising from routine activities such as housework, construction etc. is an illegal practice and is damaging to both human health and the environment. A temporary exemption is available to farmers who are permitted to burn certain agricultural green waste in controlled circumstances during certain times of the year, provided prior notification is given to the Local Authority. Further information on this is available on the Sligo County Council website.
- Free Compulsory Registration of Property Management Companies, owners of holiday homes and apartment blocks/complexes in County Sligo. In order to account for waste arisings in these areas, it will be an obligation for anyone under this category to register annually free of charge with Sligo County Council. The registration form is outlined in the

Fourth Schedule of the draft Bye-Laws and will also be available to download from the County Council website.

Process Involved in making Bye-Laws:

There are a number of stages of development for Bye-Laws under Sections 199 to 202 of Part 19 of the Local Government Act, 2001.

Once the period for receipt of submissions on the draft Bye-Laws from the public or interested parties has passed, any submissions received, during the specified period, by Sligo County Council will be considered and the Bye-Laws, with any necessary revisions, will again go before the elected members of Sligo County Council for their approval. Bye-Laws once finally approved or ‘made’ by the Council can only come into force once a period of thirty days has elapsed from the day on which the Bye-Laws are made.