



February 2008

UNCONTROLLED FRACTURING OF THE DUBLIN HOUSEHOLD WASTE COLLECTION MARKET



Environmental and Technical Report Including Responses to Consultation Process

RPS



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ENVIRONMENTAL AND TECHNICAL REPORT INCLUDING RESPONSES TO CONSULTATION PROCESS

DOCUMENT CONTROL SHEET

Client	Dublin City Council (On behalf of the Dublin Local Authorities)					
Project Title	Uncontrolled Fracturing of the Dublin Household Waste Collection Market					
Document Title	Environmental & Technical Report Including Responses to Consultation Process					
Document No.	MDR0493RP0002					
This Document Comprises	DCS	TOC	Text	List of Tables	List of Figures	No. of Appendices
	1	1	46	-	-	3

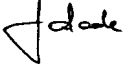

Rev.	Status	Author(s)	Reviewed By	Approved By	Office of Origin	Issue Date
F01	Final	Warren Phelan	Larry O'Toole	PJ Rudden	West Pier	29 th February 2008
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1 INTRODUCTION

A proposed variation to the Waste Management Plan for the Dublin Region 2005 – 2010 (hereafter Waste Plan) was the subject of public consultation from 21st September 2007 to the 19th November 2007.

This report addresses environmental and technical issues raised in the submissions received in response to the Uncontrolled Fracturing of the Dublin Household Waste Collection Market, Environmental and Technical Report¹, hereafter the Environmental Report. This report provides a written response, where possible, to all the appropriate and relevant issues raised. The responses are set out in Chapter 2.

This report has been prepared by RPS Consulting Engineers for Dublin City Council, who are acting on behalf of the Dublin Local Authorities².

A separate report responding to legal, economic and competition issues has been prepared but is legally privileged and will not be published.

¹ The Environmental and Technical Report on the household waste market in Dublin was prepared by RPS Consulting Engineers and published in September 2007.

² In waste management terms the Dublin Local Authorities are Dublin City Council, Dun Laoghaire Rathdown County Council, Fingal County Council, and South Dublin County Council.

2 WRITTEN RESPONSES

A total of 18 written submissions were received during the 2 month consultation period, which ran from 21st September 2007 to the 19th November 2007, on the proposed variation to the Waste Plan. A full list of all those who submitted a written submission is included in Appendix A. The issues raised in the submissions received have been summarised and paraphrased and common issues from multiple submissions are addressed together.

2.1 UNIVERSAL SERVICE

The potential environmental impacts on the delivery of a universal waste service to all householders due to uncontrolled fracturing of the Dublin household waste collection market are detailed in Section 4.5 of the Environmental Report. On this topic comments have been made in several submissions and these issues are summarised below. Responses to the issues raised have been prepared.

Issues

- a) Waiver schemes are an issue for the Department of Social and Family Affairs and are not an appropriate environmental reason for radically amending the waste collection market structure in Dublin by varying the Waste Plan.
- b) Waivers can be dealt with by means of a Public Service Obligation.
- c) Private sector has facilitated a waiver scheme in Bray.
- d) Private sector operators contribute to awareness programmes and play a role in waste education. One operator is willing to contribute funds for waste awareness activities in the context of competition in the market for households.
- e) Private sector is involved in partnership projects with local authorities across the country.
- f) The Environment Fund cannot be accessed by the private sector to fund social and uneconomic infrastructure and the private sector cannot pass on potential service benefit to their customers.
- g) Householders served by the private sector are subject to Value Added Tax (VAT) resulting in an uneven tax burden. The VAT paid by privately served customers could be ring fenced and used to fund waivers for the private sector.
- h) It is unjust that single dwelling householders are paying for services (bring banks, recycling centres etc) which other householders (apartment residents) are able to use.
- i) Local authorities do not have the right to impose a "levy" on householders to fund higher order waste solutions.
- j) Local Authorities who have exited waste collection continue to provide higher order waste solutions. This does not support the position that the Dublin Local Authorities ability to meet their statutory obligations will be undermined if the revenue from its waste collection business is reduced as a result of competition.
- k) The number of bring banks and recycling centres in the Dublin Region are not on par with other local authorities.
- l) The private sector operators provide recycling centre facilities for householders in Dublin.

Responses

- a) b) & c) The Dublin Local Authorities are not considering the introduction of the proposed variation to the Waste Plan over the issue of waivers.

Furthermore, the support of the Dublin Local Authorities for a national waiver scheme that could be established as a form of income support by the Department of Social and Family Affairs was expressed in the Waste Plan.

Extract from Section 18.12 Cost Recovery of the Waste Plan

- The Dublin Local Authorities are supportive of the introduction of a national waiver scheme administered by the Department of Social and Family Affairs. It is hoped to maintain consistency with the concept of use related charging with any eventual system agreed.

However, in the absence of a national waiver scheme each local authority in Dublin will continue to manage its waiver scheme system. The arrangements for each waiver scheme are specific to each local authority and are based on the local authority's budget.

Waivers are issued by the local authorities to low income households as part of the local authorities' universal waste management service to householders in the region. It is agreed that this important social and environmental service ensures that low income households can avail of the same level and quality of waste collection service in the region. The current number of households availing of waivers in the region exceeds 70,000 households with 20% of the single dwelling households in Dublin recipient applicants. In 2004 the Dublin Local Authorities funded waiver schemes to the value of €12 - €13 million as reported in the Waste Plan³.

From an environmental perspective the more waste that is collected and enters the regulated system the lower the risk of environmental pollution; thus the waiver service ensures that all households can avail of a waste collection and the potential for mismanagement of waste is significantly reduced. The environmental benefits from high rates of collection are addressed in more detail in sections 2.2 and 2.3 of this report.

It is important to reiterate that if it becomes economically unfeasible for a local authority to collect, or arrange for the collection of, household waste in its functional area, then households who participate in local authority waiver schemes will risk losing a collection service if they are unable to afford the private sector domestic waste charges.

The practicality and suitability of multiple collectors introducing and managing waiver applicants for their customers and processing payments as part of a national scheme within the current market structure is uncertain.

One submission suggested that waivers can be dealt with by means of a Public Service Obligation (PSO). In January 2004 the Government prepared *Regulating Better*, a Government White Paper and defined a PSO as follows:

Public Service Obligation (PSO): *A PSO is an obligation placed by the State on a supplier to provide a service or to engage in an activity where it is not commercially attractive to do so, but which the State considers to be in the public interest. Examples of PSOs are to be found in local public transport services and regional air services.*

At present the provision of waivers to low income households in Ireland is not part of national PSO for waste management. The local authorities in Dublin are supportive of the introduction of a national waiver scheme as part of national PSO but until such a scheme is in place, the local authorities are required to provide or arrange for a collection service to all households in their function area. Until such a time a waiver scheme will continue to be provided for low income households in the region, as it is the only mechanism which guarantees the collection of household waste from people who are unable to pay for such a service.

³ Waste Management Plan for the Dublin Region 2005 – 2010, Part 2 – Present Position, Page 98.

Despite the Dublin Local Authorities' willingness to become involved in a national PSO for waste management, it is highly questionable whether a PSO can be effectively enforced when the market is fractured amongst numerous operators. For example, in a scenario where multiple private operators are multiple operators could be collecting from the same route, it is not clear how the PSO from households entitled to waivers on that route would even be allocated or collected.

One submission pointed out that a private sector collector facilitated a waiver scheme in Bray summarised as follows:

"In Bray, for example, Bray Town Council has a fixed annual sum that is dedicated to the provision of waivers. The scheme is operated by the Town Council and Greenstar supplies services to the Town Council at a discounted rate ensuring that more households can be included in the scheme."

Bray Town Council offers a partial waiver of household waste charges to suitable applicant who are required to sign up to the scheme on an annual basis. A private waste collector with the highest proportion of customers in Bray provides a fixed number of bags to the Council for distribution to waiver applicants (~14,000 bags). Each applicant receives the same number of bags and this is typically 8 – 12. The bags are for mixed household waste only and no recycling bags are provided. There are no additional bags provided to applicants during the year.

As outlined in the Environmental Report, as a result of recent case-law⁴, Local Authorities have no statutory power under the Waste Management Acts 1996 - 2007 to reimburse private sector collectors for providing waste collection services to households which qualify for waivers from the relevant local authority. Currently the only way to guarantee household collection from waiver holders is either for the Local Authorities to provide the service, as they are currently doing or to arrange for such collection by way of competitive tendering process(es).

d) A number of submissions comment that private sector collectors and operators contribute to awareness programmes and play a role in waste education. In Dublin the contribution of private operators to awareness initiatives is minimal by comparison to the local authorities who are the main promoters of waste awareness, education, prevention, reuse, and recycling campaigns in the Dublin Region. Private sector promotion of recycling and awareness is generally focused on advertising their own waste collection service via their website and/or the distribution of household waste collection information packs.

In addition to providing information on waste collection services, the Local Authorities provide a range of on-going waste awareness and promotional services, as outlined in Section 2.3. The local authorities have put in place dedicated resources responsible for the delivery of awareness programmes at the local and regional level to householders, the wider community, schools and businesses. The programmes and campaigns are financed from the local authorities' waste budgets and in 2004 spending in this area was over €7.2 million and continues to be of this order.

A summary of the resources and awareness initiatives undertaken and financed by the local authorities annually are outlined below:

- Prevention and awareness initiatives at the community level are generally managed by the Environmental Awareness Officers (EAOs) and on-going activities include educational workshops on waste management, home composting seminars, tidy towns competitions, waste events and community support and advice programmes. There are 5 appointed EAOs operating in the region.
- There are 3 appointed Green Schools Officers (GSOs) employed in the region who are responsible for raising awareness at school level through the rollout of the National Green Schools Programme. Good progress continues to be made in delivering this initiative and by the end of 2006 417 schools were registered in the Programme with 127 Green Flags awarded.
- Local Authorities in the region also employ Green Business Officers (GBOs) and there are currently 2 appointed. The GBOs in the region are responsible for raising awareness of waste

⁴ Mr Binman Limited v Limerick County Council [2005] I.E.H.C. 192

and environmental issues at the business level. There are a number of programmes underway in the region.

- Other awareness staff are also employed in the region including 5 Environmental Liaison Officers, who manage environmental and waste issues on the ground in the region on a daily basis, and 2 Assistant EAOs who provide support to the EAOs.
- The Dublin Local Authorities continue to provide fiscal and/or educational support to a number of community based reuse initiatives such as Sunflower Recycling, Clondalkin Recycling Initiative, SWITch and the Ballymun Regeneration Project.
- The on-going development and promotion of the Dublin Region's waste awareness website www.DublinWaste.ie. The website is aimed at householders and provides users with a wide range of information on waste management including, preventing waste, reuse, recycling and composting at home. A news desk service also keeps users up to date on new waste developments in Dublin as well as advertising educational events and workshops. The site also hosts a number of interactive features including a regional recycling search engine, an online waste forum, online polls, and the online reuse service FREE Trade.
- The Dublin Local Authorities promote and deliver reuse through the FREE Trade service which was launched in August 2006. The service is funded by the four Local Authorities and hosted on www.DublinWaste.ie and is hugely popular among the general public with over 14,000 members to date. The initiative which encourages reuse allows members to advertise and pass on unwanted items through the website. In the first year of the service over 5,000 items were reused through the service or in other words an estimated 235 tonnes of waste material diverted away from landfill. The Local Authorities recognise the value and importance of the service to householders and continue to fund the on-going development and maintenance of Free Trade.

A suggestion has been made by a private sector collector in one submission who is willing to contribute funds for waste awareness activities but only in the context of competition in the market for households. Awareness and education are key communication elements of the Dublin local Authorities waste prevention strategy and are part of their universal waste management service obligations. The proposed suggestion reflects the general attitude taken by the private waste sector to awareness and education in the waste industry which is primarily concerned with collection, recovery or disposal. If prevention is to succeed the waste industry needs to accept that awareness and education are part of household waste services and not conditional on their terms.

e) In one submission it was claimed that the private sector is involved in local recycling infrastructure projects. This is correct albeit as the service provider operating within the terms of publicly managed contracts. The services provided by the private sector at public recycling centres are acknowledged. However, the 9 recycling centres operating in the region are owned by the local authority, not by the private sector. The award of contracts to private sector operators at these recycling centres followed a competitive tendering process. The local authorities are considering the possibility of introducing competitive tendering for the household waste collection service as part of the proposed variation to the Waste Plan.

f) The comment has been made that the Environment Fund cannot be accessed by the private sector to fund social and uneconomic infrastructure and the private sector cannot pass on potential service benefit to their customers. The Environment Fund is managed and controlled by the Minister for the Environment Heritage and Local Government and the decision to fund private sector infrastructure is at the discretion of the Minister. The private sector's concern over the distribution of the Environment Fund is a national issue and it is unclear how this comment affects either the reasonableness or necessity of the objectives of the proposed variation.

The local authorities in Dublin have put in place 321 bring banks by the end of 2006, 9 community bring centres and 9 recycling centres. These facilities are available for all householders in the region and significant recyclable waste tonnages are collected on an annual basis⁵. Capital financing for some of this infrastructure, mainly the larger scale recycling centres, was provided for by the Environment Fund. The expensive operational costs associated with these facilities are primarily

⁵ In 2006 almost 70,000 tonnes of recyclable materials were collected by bring banks and recycling centres in the region.

funded from local authorities' waste budgets. The future long-term viability of managing the existing local recycling infrastructure and expanding the existing network is at risk if uncontrolled fracturing of the market continues and local authority revenues are reduced as a result.

g) The point is made in a submission that householders served by the private sector are subject to Value Added Tax (VAT) resulting in an uneven tax burden. It is suggested that the VAT paid by privately served customers could be ring fenced and used to fund waivers for the private sector. As stated previously, the Dublin Local Authorities are supportive of a national waiver scheme and if permitted the ring-fencing of VAT from the waste collection services. The decision for the setting up of a national scheme and the possibility of ring fencing finances would involve the Department of Environment, Heritage, and Local Government, Department of Social and Family Affairs and the Department of Finance as well as central government. Again this is a national issue and it is not relevant to the proposed variation. Finally it should be noted that the VAT charged by private collectors to domestic customers can be off-set against other business related purchases e.g. equipment, plant etc made by the private collector.

h) Several submissions point out that it is unjust for single dwelling householders who are paying for local services (bring banks, recycling centres etc) which other householders (apartment residents) are able to use. The Waste Plan recognises⁶ that a growing proportion of Dublin's population lives in apartments and that apartment dwellers should have the same standard of waste service as household dwellers. It is acknowledged that further work needs to be undertaken to ensure that the services to these residents is improved. In this regard the local authorities have set out specific objectives to address this situation and these include the following:

- Space for Recycling – recycling requires separation of recyclable materials both within the apartment, and in the communal waste storage/ collection area. Adequate space needs to be made for 3-bin recycling systems (green, brown, and black bins) in both respects.
- Glass bottles will continue to be collected at bring banks. New apartments should include separate facilities for collection of glass. This can be achieved through dedicated wheeled bins or underground bring bank systems.
- Organic waste (food and garden waste) collections will commence for householders in 2006 and eventually extend to apartment blocks, therefore space provision for brown bins will be required. Pilot scale implementation of brown bin collection in apartments will be carried out initially.
- The same service levels will be required of apartment complexes whether they are serviced by Local Authority or private waste collectors.
- In order to plan new buildings with recycling in mind, the Local Authorities will develop a booklet for the planning section and for all developers 'Guidelines for waste management in apartment developments' with practical examples of the required approved design.

Furthermore a specific document entitled *Guidelines for Waste Storage Facilities* has been prepared and published in the Dublin City Development Plan 2005 – 2011, Appendix 11, and the Waste Plan, Appendix C. The inclusion of these guidelines in the Waste Plan requires the design of new apartment dwellings in the region to take account of the requirements for storage and source separation of waste on-site. In addition the local authorities are continuing to expand the green bin collection service to apartment complexes in Dublin and are currently serving over 25,000 units in the region.

However it is important to point out that the proposed variation excludes apartments, as it is recognised⁷ that apartments are in a different market to the single dwelling household market. Furthermore as outlined above, the Waste Plan already contains objectives to meet the challenges posed by the growing prevalence of apartments in Dublin. In this light it is difficult to understand how this issue affects the reasonableness or the necessity for the proposed variation.

⁶ Section 18.4 of the Waste Plan – "Waste in Apartments – Additional Policies".

⁷ Competition Authority Decision (Case COM/108/02), Enforcement Decision Series (No. E/05/002).

i) The comment has been made that the Dublin Local Authorities operate a profitable household waste collection service and householders are being levied unfairly to subsidise higher order solutions.

The household waste collection service is not operated at a profit of either €10.6 million as claimed in one submission, or any other amount. The financial data detailed in Table 2.1 clearly shows that householders in the Dublin Region are neither subsidising nor paying levies to fund higher order waste solutions. Table 2.1 below summarises the waste income and expenditure for the Dublin Local Authorities in 2004 and shows that cost recovery for waste services is at 66% with a funding gap of €58.7 million. This is a significant improvement on figures from 1997 when cost recovery was as low as 25% demonstrating improved implementation of the polluter pays principle. The costs of waivers in 2004, estimated at €12 - €13 million, are also included in the waste expenditure figures.

Table 2.1 Local Authority Income and Expenditure Summary 2004^[s1]

Activity	Income € Million	Expenditure € Million
Landfill fees from commercial and household waste and other income	49.2	53.9
Household waste collection	49.4	38.8
Street Cleaning	0.2	37.2
Commercial Waste Collection	15.4	8.3
Education, Promotion, Regulation/Enforcement	0.2	7.2
Recycling and Recovery	2.8	30.5
Total	117.2	175.9

The Waste Plan states that household waste collection service cost the Dublin Local Authorities €114.9 million in 2004, including waivers, and was operating at over 43% cost recovery. Cost recovery of the household waste service has improved in the region and each local authority is achieving different levels of recovery based on its own costs and collection service.

The Waste Plan, which was subject to public consultation, is very clear in its support for the polluter pays principle and cost recovery and Section 17.8 of the Waste Plan states that:

“The principle behind ‘Polluter Pays’ is that the person who created a risk of pollution or cause pollution will bear the cost of prevention or of remedial action. There are two aspects to this principle. It requires that the person who causes the pollution to bear not only the cost of remedying the pollution but also those costs arising from the implementation of a policy of pollution prevention.

Therefore householders are obliged to pay not just for the cost of the collection and disposal of waste in their Grey bins, but for other services that are provided by the Local Authority in respect of waste presented in Green bins (and Brown Bins in 2006) along with waste presented to Recycling Centres and Bring Banks.”

As outlined above the householder in Dublin pays for the cost of collecting, recovering and disposing of household waste. Full cost recovery of the household waste collection is not being achieved in the region and each local authority is recovering costs to a different extent. The costs of funding higher order activities such as awareness and educational programmes are funded from local authority waste budgets. While grant aid assistance from the Environment Fund supports part of the activities of the regional enforcement unit, the local authority funds regional and local enforcement activities from the waste budgets, Table 2.1 details the extent of expenditure made by the local authorities in 2004 for education, promotion and enforcement.

j) The comment was made that Local Authorities in Ireland who have exited waste collection continue to provide higher order waste solutions. The Dublin Local Authorities continued involvement in the collection of waste allows them to continue to implement a wide reaching programme of activities. It is an objective in the Waste Plan to have waste prevention and minimisation at the core of waste activities in the region over the period of the current Waste Plan.

The fact that a Local Authority may be forced to withdraw from a particular collection service, due to the unregulated entrance into the market by private collectors, will impact on the local authority's collection revenue stream and it's ability to finance an extensive programme of waste prevention, awareness and education activities. Even though it is preferable to implement higher order waste solutions, it becomes extremely difficult to maintain these services due to the loss of the waste collection revenue and the squeezing of available income from the waste budget. This is illustrated by the Waterford case-study. The loss of collection revenues there has led to an immediate retrenching of the position of the Environmental Awareness Officer and a withdrawal of awareness campaigns. Since the fracturing of the household market in County Waterford⁸ the number of publicly served customers has dropped and similarly income from collection services. A shortfall in the Council's revenue has impacted on waste related activities including the provision of waste awareness staff and educational activities and events. Specific annual campaigns and programmes have ceased due to a lack of funds.

The Dublin Local Authorities have invested significant resources and finances into waste prevention and minimisation programmes and campaigns and will continue to do so. These activities are funded from waste revenues of which the household waste collection service contributes €49.4 million. The activities carried out by the local authorities are extensive and are detailed in response d). If long-term fracturing of the single dwelling household market in Dublin continues, the number of households served by the public service will decrease. This loss of revenue with its attendant increase in marginal losses is likely to lead to a decline in Local Authority collection services. The efficiency gains made by the Dublin authorities in recent years in their cost recovery for waste services could be lost and the ability of the council to continue to fund higher order activities will be at risk.

If adopted the proposed variation will provide a secure structure to the single dwelling household waste collection market and ensure the long-term viability of higher order solutions funded from the public waste services revenues.

k) The comment has been made that the number of bring banks and recycling centres in the Dublin Region are not on par with other local authorities. The following table from the EPA National Waste Database Report 2005 shows the number of bring banks and recycling centres in local authorities across Ireland.

Table 2.2 Local Authority Bring Banks and Recycling Centres 2005

Local Authority	Bring Banks	Recycling Centres	Local Authority	Bring Banks	Recycling Centres
Carlow	39	3	Limerick City	20	1
Cavan	30	2	Longford	26	1
Clare	53	4	Louth	50	2
Cork County	174	9	Mayo	88	2
Cork City	404	1	Meath	23	2
Donegal	579	2	Monaghan	26	1

⁸ Case Study, The Household Waste Collection Market in Waterford, Appendix A, Uncontrolled Fracturing of the Dublin Household Waste Collection Market.

Dublin City	129	2	North Tipperary	39	3
Dun Laoghaire Rathdown	69	1	Offaly	46	3
Fingal	79	4	Roscommon	39	3
Galway County	91	3	Sligo	49	2
Galway City	15	2	South Dublin	44	1
Kerry	93	5	South Tipperary	76	3
Kildare	43	2	Waterford County	44	3
Kilkenny	44	1	Waterford City	21	1
Laois	38	1	Westmeath	47	2
Leitrim	39	2	Wexford	146	2
Limerick County	49	5	Wicklow	53	5
			Total	1,919	86

Updated data for 2006 is available for the Dublin Region and this is detailed in Table 2.4. There are 321 bring banks and 9 recycling centres in operation. The regional target is to increase the number of bring banks by a further 63 and the recycling centres by 3, in line with the relevant targets in the Waste Plan. The network of bring banks is being expanded continually and there are 3 recycling centres underdevelopment in the region. The number of bring banks and recycling centres in the region compares favourably to other local authority areas and regions.

Table 2.3: Bring Banks and Recycling Centres in the Dublin Region

Local Authority	DCC	DLRCC	FCC	SDCC	Region
Bring Banks 2003	73	64	76	50	263
Bring Banks 2006	129	69	79	44	321
Total target	122	77	96	79	374
New Bring Banks target	Target Exceeded	8	17	35	60
Recycling Centres 2003	2	1	3	1	7
Recycling Centres 2006	2	2	4	1	9
Total Regional Target 2010	12				

Source: Waste Management Plan for the Dublin Region, Draft Annual Progress Report 2007

- l) The private sector operators do not provide any bring bank or recycling centre facilities for householders in Dublin.

2.2 COLLECTION COVERAGE

The potential environmental impacts on collection coverage due to uncontrolled fracturing of the Dublin household waste collection market are detailed in Section 4.1 of the Environmental Report. On the issue of collection coverage comments have been made in several submissions on this topic and these issues are summarised below. A response to the issues raised has been prepared.

Issues

- a) Collection coverage issues in the Dublin Region are not comparable to rates of coverage in other counties or regions.
- b) The arrival of the private sector into the household waste collection markets across Ireland, particularly in counties and regions outside of Dublin such as Galway and the Midlands, has not led to a reduction in collection coverage and cherry picking is not in evidence.
- c) The rate of collection coverage is related to population density and settlement patterns and not to the service provider.
- d) The private sector is providing household collection services to both urban and rural areas across Ireland and has developed innovative partnerships to improve collection coverage, such as in Wicklow.
- e) The Waste Management Acts 1996 – 2005 exclude the obligation on local authorities to collect or arrange for the collection of household waste where it is not economically feasible.
- f) It is a commercial reality that neither a direct household collection service nor a tendered service will ensure 100% collection in areas where the population distribution and road network do not allow cost efficient operation.

Response

a) – f) As set out in the Environmental Report, the collection coverage in the single dwelling household market is comprehensive in Dublin with the black bin service reported⁹ to be at 100% in 2005. Similarly the collection coverage for the publicly managed green bin collection service is extensive and serves over 400,000 customers including apartment units and schools.

It is an objective of the Waste Plan to “create equity of access to waste management facilities and services” to all householders in the region. From an environmental perspective the higher the waste collection coverage in the region the better. Implementing a high rate of collection coverage ensures that household waste is managed in a safe and sustainable manner and minimises the possibility of uncollected waste and resulting unauthorised activities, such as illegal dumping. Meeting recycling and landfill diversion targets in the household sector is also very dependent on high collection coverage rates. To achieve these objectives the Local Authorities are currently extending the improved Green Bin service to all customers in the region and the phased roll out brown bin collections is also underway.

The arrival of three private waste collectors has fractured the Dublin single dwelling household waste collection market and these new entrants are offering collection services alongside the local authorities in Dublin. It is estimated that over 25,000 householders have transferred from the existing public service to the private service in the Dun Laoghaire Rathdown area. Collection coverage in the region remains high, estimated to be still at 100%, as the local authorities continue to serve the majority of households in the region. However in the long-term the impact of the uncontrolled fracturing of the market on collection coverage is uncertain. If the household market remains unrestricted, the arrival of multiple waste collectors in Dublin is inevitable.

It is acknowledged that the Dublin Region is different to all other waste regions in Ireland as it contains the largest urban centre in the country with the highest population density. In 2006, according to the National Census, the population of County Dublin was 1,187,176 people. In the same year over 471,000 tonnes of household waste was generated which was significantly more than any other region.

However, while the population of Dublin is highly urbanised, it is not exclusively so, and contains rural communities which have similar characteristics to rural areas in every other county in Ireland. Table

⁹ The Nature and Extent of Unauthorised Waste Activity in Ireland, EPA, 2005

2.4 lists rural areas in Dublin with a population of less than 1,500 people as identified in the 2006 National Census. These areas are primarily located in the Fingal area which has rural communities in the north and north-west of the county. Similarly there are rural communities, namely Tibbradden and Ballinascorney, on the border between the functional areas of South Dublin County Council and Dun Laoghaire Rathdown County Council. In addition to the rural communities in Dublin, there are also over 70,000 households in the region availing of local authority waiver schemes that could be affected by the uncontrolled fracturing of the household waste collection market.

Table 2.4: Rural Areas in Dublin

Area Name	Population*
Tibradden	827
Balgriffin	911
Ballyboghil	950
Balscadden	653
Clonmethan	625
Garristown	1182
Hollywood	998
Lucan North	1163
Ballinascorney	742

*Source: Census 2006

The Dublin Local Authorities could in future introduce competitive tendering for household waste collection services on the basis of a universal service and the desire to maintain high levels of collection coverage to householders in the region. By combining and tendering out rural communities with high density areas in Dublin the economic barriers associated with serving rural communities can be removed. The aggregate density that results will then offer sufficient economies of scale to offer value for money to a local authority committed to universal service. Similar arrangements can be put in place to ensure that socio-economic barriers are overcome and all classes of society in Dublin receive the same service.

This approach is supported by the Competition Authority who have suggested that:

“Competitive tendering processes may also be used to address certain social and environmental concerns where, for example, the contract is awarded not only on the basis of price but also on account of certain other environmental and social criteria.”¹⁰

The effects on collection coverage of the uncontrolled fracturing of the household waste collection market in the Midlands region, Westmeath, Galway city, Kildare and Waterford County have been reviewed. This review was conducted in order to identify collection coverage issues and related environmental problems arising as a result of the private sector entry in those areas and not as a comparison of collection coverage rates in Dublin

As set out below, the experience from other regions suggests that collection coverage in lower density areas will be affected. As private sector operators cherry-pick the more lucrative routes, local authorities may be forced to exit the collection market which could well impact collection coverage rates more generally and, in particular, collection coverage for those households that qualify for local authority waiver schemes.

¹⁰ Enforcement Decision (No. E/05/002), 30th August 2005. For the purposes of defining the relevant market the Competition Authority did not include the waste collected from apartment blocks in the definition of household waste.

Collection Coverage in the Midlands region

The Midlands region was selected and assessed because its household market has been fractured since the 1990s, with 18 private and 3 public service collectors operating in the market in 1999¹¹. For this reason, it is perhaps the most significant region in Ireland where the long term effects of the unregulated entry of the private sector into the household waste collection market can be assessed. The collection of household waste in the region, with the exception of 15,000 households served by Westmeath County Council, is in the control of private sector operators.

The Environmental Report indicates that the rate of collection coverage in the region has changed little since the preparation of the first Regional Waste Management Plan¹² and the private sector became the dominant player in the market. The provision of collection services in the region remains varied with high rates in the urban centres and low rates of service in the rural parts of the region. While collection coverage overall remains relatively unchanged, the Midlands experience demonstrates that collection coverage remains low, or is non-existent, in areas that are not economically viable, particularly rural areas.

It is acknowledged in the Environment Report that the expansion of the collection service to rural parts of the county is a challenge. It has been submitted that that this reflects an acceptance of the commercial reality that neither a direct household waste collection service nor a tendered service will ensure 100% collection in areas where the population distribution and road network do not allow for cost efficient operation.

Economic barriers to rural collections can be overcome. Westmeath County Council is the only local authority still involved in household waste collection in the Midlands Region. In 2004 the local authority decided to contract out their household waste collection service and a publicly managed service is now in place. The appointed contractor took over the local authority customers and expansion of this customer base has been facilitated through the contract and the service has expanded. Westmeath County Council tries to accommodate new householders wishing to avail of a door-to-door collection service. If a householder is not on an existing collection route and cannot be accommodated into the existing routes programme, the local authority will encourage the applicant and their public representative to sign up other householders in the community. This process gives rural communities in the county the opportunity to avail of a collection service.

Private operators in the Midland Region, on the other hand, have not shown any willingness to expand their service offerings to non-commercially viable areas and there is no incentive for them to do so. Waiver schemes are also not being operated in those areas controlled by the private sector while Westmeath County Council continues to be the only collector in the region to operate a household waiver scheme.

Collection Coverage in Galway City

The Environmental Report provided details of the impact of the arrival in 2005 of a private waste collector on the household waste collection market in Galway City. The market is served by the local authority and a private collector who is estimated to be servicing about 8,000 of the 23,000 householders.

Similar to the experience outlined above in the Midlands region, the rate of collection coverage in the city in itself has remained consistent following the fracturing of the market. However, the selective approach of the private operator in concentrating on dense economically viable routes has wider implications for household waste collection in Galway city. In addition there are parts of the city for which the private sector does not provide services, including lower income areas and estates, highlighting the selective approach taken by the private collector to the provision of collection services in Galway. The fracturing of the market has changed the profile of the customer base remaining to be served by the Local Authority who also continue to serve the majority of pensioners, student households and all waiver applicants.

¹² Waste Management Plan for the Midlands Region 1999, adopted in 2001, prepared by Offaly County Council, Laois County Council, Longford County Council, North Tipperary County Council, Westmeath County Council.

The Local Authority's ability to continue its collection service to the remaining householders is also in question and the tendering or selling of the household waste collection service is a possibility. However, the option of seeking tenders from the private sector is in jeopardy due to the lack of security and order in the market. Some private waste collectors may not participate in a public tendering process, deciding to enter the market on their own. Alternatively, they could decide to participate in a public tender and to compete against that contract. Further, because of the threat of future cherry-picking, any prospective tenderers might seek guarantees from the Local Authority with respect to the number of householders participating in the collection service throughout the contract period. Without the exclusive control of the household collection market, the Local Authority would be unable to provide such guarantees and it is not clear that transferring this risk to the private sector would represent value for money for the Local Authority. In any event, should the Local Authority be forced to exit the market, the people of Galway would be faced with an uncertain future with regard to their household waste collection.

Collection Coverage in County Waterford

The arrival of private collectors into the household waste collection market in Waterford has impacted on the existing local authority's collection coverage. The loss of customers and Local Authority revenue has put the future of the public collection service and its customers at risk and, as outlined in section 2.1, response j). The drop in collection coverage and customers has impacted on annual planned waste expenditure particularly waste awareness and educational activities. A continued shortfall in revenue will also undermine the ability of the Local Authority to provide future waste treatment facilities, local recycling centres, bring banks as well as awareness and education campaigns to all householders.

Collection Coverage in County Kildare

The primary collection areas in Kildare served by the private sector are the urban centres with minor coverage in the rural areas of the county. KCC has expanded its service in rural parts of the county and serves the majority of these areas which ensures that collection coverage remain at the current high level of over 97%. The local authority also provides services to over 6,000 waiver applicants.

Collection Coverage and Unregulated Fracturing

The uncertainty caused by uncontrolled fracturing in the household market is demonstrated by the experiences outlined above. It is apparent that private sector operators who enter the household collection market in an uncontrolled fashion tend to cherry pick profitable high density routes to the detriment of less economically viable routes.

Local authorities are then left with the less economically viable routes. This jeopardises the ability of the local authority to continue their own collections along these routes and, as set out above, it also prejudices the ability of the local authorities to arrange for such collections by way of competitive tendering. As set out in section 2.1 above, the resulting loss of income also leads to local authorities being unable to provide the higher order waste solutions such as education and awareness programmes.

If it becomes economically unfeasible for a local authority to collect, or arrange for the collection of, household waste in its functional area, then households who participate in local authority waiver schemes will also risk losing a collection service if they are unable to afford the private sector domestic waste charges. The current number of households availing of waivers in the Dublin Region exceeds 70,000, which represents approximately 16% of the total number of private households in Dublin. If any of the Dublin Local Authorities are forced to exit the market then the universal household collection coverage currently provided in the Dublin Region would certainly be put at risk.

Collection Coverage and Settlement

A number of submissions claimed that the rate of collection coverage is a function of population density and settlement patterns and not the type of service provider. It is recognised that high rates of collection coverage can be readily achieved in high density areas compared to rural and isolated areas as the unit cost of providing a collection service to high density areas is lower than providing an equivalent service to lower density areas. As acknowledged in one submission from a private operator in the market:

“It is likely that a well managed market participant will establish a strong position in particular areas, sub-areas or estates based on economic route optimization and efficient transport logistics.”

While not denying the role of the private sector in providing household collection services to both urban and rural areas across Ireland, it is clear that the rate of collection coverage in an uncontrolled market is more a function of economic route optimisation than of any objective to achieve universal service. The long-term aim for the Dublin Local Authorities is for existing rates of collection coverage in the region to remain stable, regardless of population density and settlement patterns.

Collection Coverage and Universal Service

It has been suggested that the Waste Management Acts, 1996 – 2007 exclude the obligation on local authorities to collect or arrange for the collection of household waste where it is not economically feasible.

Section 33(3) of the Waste Management Acts provides that a local authority’s absolute obligation to collect or arrange for the collection of household waste within its functional area under subsection (1)(a) does not apply to the extent that the following conditions apply:

“(a) an adequate waste collection service is available in the part concerned of the local authority’s functional area,

(b) the estimated costs of the collection of the waste concerned by the local authority would, in the opinion of the authority, be unreasonably high,

(c) the local authority is satisfied that adequate arrangements for the disposal of the waste concerned can reasonably be made by the holder of the waste.”

It is not accepted that this provision precludes the discretion of a local authority to provide for universal collection coverage in its functional area. It is consistent with the objectives in the Waste Plan that the Dublin Local Authorities ensure that single dwelling households in both urban and rural areas are provided with a collection service in the Dublin Region regardless of income, population distribution and road network. The policy objectives of the Waste Plan are clear in this regard and re-enforce this commitment:

Extract from Section 17.6 Policy Statement of the Waste Plan

- Waste shall be managed such that it will not give rise to environmental pollution.
- It is a goal to create equity of access to waste management facilities and services across the Region.
- It is a goal to deliver a cost-effective and affordable system meeting the ‘polluter pays principle’ that meets high standards of environmental performance and all legislative obligations.

The proposed variation would allow the Dublin Local Authorities to either collect specific streams of source separated household waste from single dwelling households within their respective functional areas or to arrange for such collection by way of competitive tendering process(es). Such collection would be by a single operator in designated areas. This would allow the Dublin Local Authorities to prevent the uncontrolled entry of multiple operators into the household collection market. By preventing the fracturing of the market in this way the Dublin Local Authorities can bring certainty to the household market, ensure that all single dwelling households will receive the same level of collection service and ensure that the high rates of coverage in the Dublin region are continued.

2.3 UNAUTHORISED WASTE ACTIVITIES

The potential environmental impacts on unauthorised waste activities due to uncontrolled fracturing of the Dublin household waste collection market are detailed in Section 4.2 of the Environmental Report. On the issue of unauthorised waste activities comments have been made in several submissions and these are summarised below. Responses to the issues raised have been prepared.

Issues

- a) Unauthorised waste activities, such as illegal dumping, existed in Dublin before despite the high collection coverage and the arrival of the private sector.
- b) The rate of collection coverage is unlikely to change if uncontrolled fracturing of the household market is allowed to continue and levels of uncollected waste will not increase.
- c) High waste charges are the single most influential reason for contributing to illegal activity and an affordable collection system is the best way to minimise illegal activities.
- d) The entry of private sector collectors into the household collection market will not result in an increase in illegal activities.
- e) The management of illegal waste activities are a matter of enforcement the funding for which the private sector collectors contribute to through the Environment Fund.
- f) Private sector collectors are not responsible for illegal waste activities by householders or the enforcement of such activities.
- g) The proposed variation of the Waste Plan is not required to enable the local authorities to undertake surveys householders without a collection service.

Response

a) – g) It is acknowledged that unauthorised waste activities, such as illegal and backyard dumping occur, and have occurred in all local authority areas in Ireland, irrespective of the waste collector. These problems are also not solely confined to the management of household waste but include all waste streams - commercial, industrial and construction and demolition. The following statistics from the EPA national report¹³, quantify and highlight the extent of this national problem:

- 80% of local authorities identified backyard burning as a significant issue
- This activity contributes over 50% of all dioxin emissions in Ireland and is more prevalent in rural areas.

Recognising the problem, a Regional Enforcement Unit was set-up in Dublin in 2004 to implement waste and environmental enforcement. The responsibilities of the unit include carrying out waste facility inspections, audits, waste checkpoints, investigation of environmental complaints and environmental enforcement. Fly tipping and backyard burning by households and businesses are amongst the more common complaints investigated by enforcement teams in the region.

There are several factors which cause these problems including waste charges, the extent of the collection coverage, personal behaviour and cultural issues. The Environmental Report prepared for the Dublin Local Authorities is clear in its assertion that there is a *“direct link between uncollected waste and the increased risk of environmental pollution from dumping of wastes and in particular backyard burning”*. This link between uncollected waste and unauthorised waste activities is also recognised by the EPA national report¹⁴ which states that the problem of uncollected waste, particularly in the household sector, gives rise to serious environmental nuisances such as fly tipping and backyard burning:

“The issue of uncollected waste and its management is of most significance for the household sector ... While it cannot be assumed that householders disposed of all of this waste in an

¹³ The Nature and Extent of Unauthorised Waste Activity in Ireland, EPA, 2005.

¹⁴ The Nature and Extent of Unauthorised Waste Activity in Ireland, EPA, 2005.

unauthorised manner, the fact that such a large quantity of household waste never enters the waste collection system is itself of significance. The only reasonable conclusion that can be arrived at is that significant quantities of household waste are being disposed of directly by householders, the most likely route being backyard burning.”

As outlined above in Section 2.2 the unregulated entry of private operators into the household waste collection market poses a significant threat to collection coverage in Dublin and specifically collection from rural populations and those householders who are in receipt of waivers. The confirmed result of any decrease in collection coverage will be an increase in the rate of uncollected waste and a high potential for unauthorised waste activities such as fly-tipping or backyard burning to occur. The annual reporting of uncollected waste by the EPA shows that uncollected waste remains a nationwide problem, an estimated 200,00 tonnes of household waste is uncollected annually, with fly-tipping and backyard burning identified as consequences of this trend.

It is accepted that high waste charges are a contributory factor to uncollected waste and unauthorised waste activities. The impact of this factor is significantly exacerbated when coupled with a lack of in-market competition. It is worthwhile considering the experience in Offaly where two main private waste operators serve the majority of the householders availing of a collection service in Tullamore town. Both operate similar waste charging systems and both charge identical household collection rates at €32 per month. This flat fee system includes four collections per month alternating between a residual and recycling collection. In this localised market competition in the market is not delivering a cost-effective service to the householder and the level of uncollected waste for an urban area is quite high. This is evidenced by the high number of householders disposing of their waste at the nearby Derryclure Landfill – estimated at over 450¹⁵ cars per week, the majority from the Tullamore urban area.

It is an objective of the Dublin Local Authorities to collect or arrange for the collection of household waste from 100% of the single dwelling households in Dublin including households in rural areas and households in receipt of waivers. In order to meet these ambitious objectives, it is essential to remove the uncertainty from the market, as discussed in Section 2.2, through the introduction of the proposed variation which will provide a sustainable structure to the market and will help to control issues of uncollected waste and unauthorised waste activities.

It should be also borne in mind that, as private sector collectors are admittedly concerned more with economic route optimisation (as opposed to the universal service objective of the Dublin Local Authorities), the potential for a privately controlled collection service/route to be discontinued is likely to be greater than that for a local authority service/route. In Galway the local authority have reported several incidents where a private collector has refused to service some existing customers. As a result the local authority took responsibility for the uncollected waste to ensure that fly-tipping or similar activities did not occur. These occurrences highlight the lack of incentive for private collectors to continue to provide customers with collection services and thus prevent unauthorised waste activities from occurring.

A number of submissions have stated that private sector collectors are neither responsible for the illegal waste activities of householders nor the enforcement of such activities, and that the private sector already contributes to enforcement due to its contribution to the Environment Fund. Private sector collectors are not directly responsible for an individual's actions, but the Dublin Local Authorities are responsible for the enforcement of the provisions of the Waste Management Acts. An EPA Report¹⁶ states that householders and all members of society have a responsibility in managing their waste and ensuring that their actions do not cause environmental pollution:

“Responsible waste management is a problem for all sectors of society, starting with the waste producer. Strong enforcement has a key role to play in maintaining a ‘seamless chain’ between the production of waste and its safe disposal or recovery, but all of us, as waste producers, must manage our waste in a responsible and environmentally sensitive manner.”

¹⁵ Data sourced from Offaly County Council.

¹⁶ Focus on Environmental Enforcement 2004, EPA.

With regard to the Environment Fund, it has been used to support a wide range of waste management, litter, enforcement and other environmental initiatives. The fund is in effect financed by the public, the Local Authority and private sector waste collectors disposing of waste to landfill. The Dublin Local Authorities received a grant from the environment fund which funds a significant part of the activities of the regional enforcement unit. However it is important to recognise that in order to meet its enforcement obligations, the Dublin Local Authorities supplements the funds it receives from the Environment Fund with money from its own waste budgets to cover local enforcement activities. [If more funds from the Dublin Local Authorities' waste budgets are required to subsidise their waste collection service as a result of market fracture and increased marginal losses then less of the budgets would be available to fund enforcement activities.]

As outlined above, evidence demonstrates that when there are higher levels of uncollected waste, the levels of unauthorised waste disposal also increase. Enforcement, while sometimes necessary, is not the most efficient option in the management of waste. Enforcement also presents obvious practical and legal difficulties when dealing with such a large population. Furthermore, the Dublin Local Authorities have obligations under section 22(6) of the Waste Management Acts:

(6) A waste management plan shall, in respect of non-hazardous waste, contain such objectives as seem to the local authority or local authorities concerned to be reasonable and necessary—

(a) to prevent or minimise the production or harmful nature of waste,

(b) to encourage and support the recovery of waste,

Prevention through education and awareness, rather than enforcement is the Dublin Local Authorities' preferred option to deal with unauthorised waste activities. The clean up of unauthorised waste activities is an on-going cost borne by the local authorities in the region. The extent of the cost can vary from a couple of hundred euros to tens of thousands of euros depending on the quantity and type of waste illegally dumped. In 2007 Dublin City Council spent in the order of €2 million euros cleaning up fly tipping spots and the other local authorities spend similar amounts of money in the remediation of sites in their functional areas.

Education and awareness initiatives are undertaken by the Dublin Local Authorities to tackle issues of illegal waste burning, litter and fly tipping. On an annual basis the Dublin Local Authorities manage anti-dumping and litter campaigns highlighting the environmental consequences of illegal waste activities. The local authorities in the region have run high profile awareness campaigns tackling these issues. In 2007 over €1 million was spent raising awareness on litter and the inappropriate disposal of waste. In 2006 and 2007 awareness campaigns were run highlighting the environmental consequences of bonfires and over €100,000 was spent on advertising. Continued fracturing of the market leading to increased marginal losses for the local authorities would also mean that less of their waste budgets would be available to fund these higher-order education and awareness initiatives. It is important to point out that private waste collectors do not conduct any such information campaigns, and it is disingenuous of them to claim that advertising flyers amount to awareness campaigns.

The provision of a complete collection service to all households contributes significantly to a reduction in the possibility of illegal activities occurring. The proposed variation will ensure that collection coverage will remain at 100% in the Dublin region and that the Dublin Local Authorities will continue to be able to fund and manage all waste related services including the prevention of unauthorised waste activities through awareness campaigns.

As part of the proposed variation, the Dublin Local Authorities are considering introducing competitive tendering for the collection of single dwelling household waste on an area or geographical basis. Recognising the desirability of involving private operators in waste prevention and bearing in mind the Dublin Local Authorities' obligation under section 22(6) of the Waste Management Acts, the tender contract could be structured in such a way that the successful tenderer would be obliged to co-operate in education and awareness campaigns and also subsequently participate in the clean-up of any illegal waste disposal. In the newly tendered Green Bin contract a similar provision exists whereby the private collector is obliged to notify the Local Authority of persistent offenders who contaminate their source separated waste.

In response to one submission it should be stated that the proposed variation is being considered to ensure there is certainty over the future waste management in Dublin and the long-term environmental goals and targets for the region are achieved. The variation is not being considered for the purpose of surveying householders without a collection service.

2.4 PAY BY USE (PBU)

The potential environmental impacts on the delivery of PBU schemes to all householders due to uncontrolled fracturing of the Dublin household waste collection market are detailed in Section 4.3 of the Environmental Report. On this topic comments have been made in several submissions and these issues are summarised below. Responses to the issues raised have been prepared.

Issues

- a) RPS assumes the private collector will introduce fixed charging systems to householders as opposed to PBU systems. Since 2005, all public and private collectors are required to offer a weight/volume based waste collection service to households consistent with the polluter pays principle. Private collectors are currently operating a PBU system to domestic customers in DLRCC.
- b) Fixed charging systems can be dealt with through the regulation of the waste collection permits therefore the proposed variation is not a required mechanism to ensure PBU is retained.
- c) The statement that 'fixed annual waste charging systems are contrary to the Dublin WMP and do not financially reward householders who reduce the level of waste disposed to their grey/black bins and the environmental benefit of PBU is significantly reduced' is contested.
- d) It is clear that the successful entry of the private sector into the household market has not resulted in the 'introduction of a 'fixed charging systems with guaranteed collections' offering 'no financial incentive for householders to minimise waste generation and maximise diversion and recycling'.
- e) It is suggested that not all forms of PBU are effective with some systems offering greater environmental and financial benefits.
- f) In Dublin, the private sector initiated the inclusion of plastics and glass in the green bin collection service and are therefore providing an improved PBU scheme to householders.

Responses

a) – e) In 2004 the Minister for the Environment announced¹⁷ that all household waste collection operators were required to charge customers for their services using an appropriate PBU charging system by the 1st of January 2005. The move was to remove flat rate charges for waste collection services in favour of environmentally preferred systems such as pay by volume or weight.

Various submissions commented that the Pay by Weight or Pay by Volume is the preferred system. As documented in the policy document 'Taking Stock and Moving Forward', waste collectors have discretion to decide the precise form of weight/volume based system they use, provided that it respects the principle of use-based charging. There are three common systems of PBU charges currently used in Ireland: (i) volume-based systems, (ii) tag-based systems, and (iii) weight based systems. A brief summary of each system is outlined:

- Volume-based systems require householders to subscribe to a weekly bin collection, for which they pay an annual charge. Householders can select the size of bin they subscribe to; the

¹⁷ See DOE press release: 'Cullen announces nationwide move to pay-by-use waste charges', March 2004.

annual charge is based on the volume of the bin, with larger bins incurring a higher annual charge.

- Tag-based systems include both tag-a-bag and tag-a-bin. These involve householders purchasing tags to attach to their bag or bin with collectors picking up only those bags and bins with the appropriate tag attached. Householders only pay for waste collection when they place bags or bins out for collection.
- Weight-based systems involve householders paying per kilogram of waste placed out for collection. The waste collector weighs the bin and bills the householder based on this weight.

The Dublin Waste Management Plan identifies the need to link waste charges to the amount of waste generated and the policy objective in this context is to 'implement use-related charging systems in support of waste minimisation and recycling in accordance with the Polluter Pays Principle'. The aim is to offer a real incentive to waste producers to minimise waste. The lack of a financial incentive undermines the environmental and waste management benefit of a PBU scheme. National Waste Policy supports the introduction of incentivised waste charges:

'As a matter of equity, and in order to directly incentivise waste reduction, the level of waste charges should vary according to usage. Some local authorities have already adopted this approach, through bag-tagging or other use related schemes. However, most authorities impose flat-rate waste charges ... Where local authorities provide waste collection services, they should review their approach to household and commercial waste charges with a view to introducing weight related charging to the fullest extent possible.' Changing our Ways, 1998.

'Accordingly, the Government expects that all local authorities will move towards introducing weight/volume related charging to the fullest extent possible within the next three years.' Delivering Change, 2002.

'1 January 2005 is being set as the date for the completion, nationally, of the switch to weight/volume based charging for waste. There will be discretion as to the types of systems to be used, provided that the key principle of use-based charging is respected.' Taking Stock and Moving Forward, 2004

Despite being national and regional policy there are no regulations in place making PBU or specific PBU systems mandatory. The EPA¹⁸ report on national domestic waste collection charges reported that waste collectors in six local authority areas have not introduced an appropriate use-related type of PBU charging system. Instead the use of a flat-rate charge remained in use in and the report states:

'In one case, this flat-rate charge is operated by the local authority, the remaining cases are operated by private collectors within five local authorities. When looked at by individual waste collectors, the analysis reveals that 16 service providers still use a flat waste collection charge. Private waste collectors are more likely to offer a flat waste collection charge than local authority collectors, with 12% of private collectors as opposed to 5% of local authority collectors using this mechanism.'

The following table details the city and council functional areas in Ireland where flat rates systems are offered by private collectors to householders.

¹⁸ A Nationwide Review of Pay-By-Use Domestic Waste Collection Charges in Ireland, Extensive Survey Findings, ERTDI Programme 2000 – 2006, 2007.

Table 2.4 Reported Fixed Rate Charging Systems in Ireland

City/County Functional Area	City/County Functional Area
Galway City Council	Wicklow County Council
Offaly County Council	Louth County Council
Waterford County Council	Monaghan County Council
Clare County Council	Roscommon County Council
South Dublin County Council*	Limerick County Council
Wexford Town Council	

Source: A Nationwide Review of Pay-By-Use Domestic Waste Collection Charges in Ireland, Extensive Survey Findings, ERTDI Programme 2000 – 2006, 2007.

While flat rate charging systems (monthly or annually) may appear superficially attractive to householders from the point of view of knowing in advance what their monthly bill will be, they offer no economic incentive for householders to divert waste away from landfill disposal. The EPA report states that:

‘Crude volume-based systems that require payment annually and no flexibility in terms of differential bin size collections offer little in the way of incentive to decrease waste presented. There was some concern that such systems are little better than a flat-rate fee and allow collectors to continue with business as usual in terms of collections.’

As can be seen from Table 2.4 above, fixed rate charging is taking place in the South Dublin County Council area. The private operator City Bin is currently offering a fixed rate collection service in this area, where they encourage potential clients to avail of their ‘All in’ fixed fee option:

“You can guarantee yourself savings of up to €176 per annum with our ‘All in’ Fixed Fee option, which costs you only €20 per month. This option provides you with the comfort of knowing what your bill will be, every month ...”¹⁹

Because of the legislative uncertainty regarding PBU, and in spite of the environmental advantages inherent in incentivising householders to reduce their waste, City Bin is allowed to indulge in this flat rate charging regime.

The Dublin Local Authorities have implemented household PBU systems consistent with the Polluter Pays Principle. In the Dublin region there are 3 PBU systems in operation all incentivising the householders to minimise the generation of residual waste. These types of systems will continue to be implemented during the Waste Plan period and the proposed variation, if adopted, will ensure flat rate only systems are prohibited.

It has been suggested that fixed charging systems can be dealt with through the regulation of the waste collection permits. Sections (18) (19) & (20) of the Waste Management (Collection Permit) Regulations 2007, allow for Local Authorities to attach conditions to a waste collection permit as required. Section 20(2)(h) requires the permit holder to apply charges for household waste collection which respect the polluter pays principle. However in the absence of express legislative provisions, it is unclear if local authorities can request the introduction of a specific Pay by Weight or Pay by Volume systems to householders through permit condition. [It is acknowledged that under the recently enacted permit regulations it may be possible for Local Authorities to enforce PBU systems through

¹⁹ <http://www.citybin.com/page.asp?menu=176&page=664>

their permitting powers. However, these regulations do not come into operation until 31 March 2008 so the enforceability of such conditions has not yet been tested.]

Uncertainty currently exists in the Dublin region as the arrival of multiple private waste collectors to the household waste collection market could potentially see the introduction of different charging systems on offer to householders. The proposed variation if adopted will ensure that effective use-related waste charging systems will continue to be provided to householders by the Dublin Local Authorities or through contracts arranged by the local authorities. Householders who actively try to reduce their waste will be financially rewarded through a reduction in their waste payments and the environmental benefits from waste charging mechanism will be sustained.

The proposed variation would allow the Dublin Local Authorities to either collect household waste from single dwelling households directly or to arrange for such collection by way of competitive tendering process(es). The appointment of a single operator in designated areas would allow the Dublin Local Authorities to use a contractual mechanism to ensure that the successful tenderer implement a specific PBU system rather than relying on ongoing regulation²⁰.

f) A number of submissions contest that private sector collectors in Dublin initiated the acceptance of plastics and glass in the household green bin and are providing a better PBU system to households. The plan to enhance the public green bin collection service has been an objective of the Dublin Local Authorities since the publication of the Draft Waste Plan in April 2005. Following the making of the Waste Plan in November 2005 the specific objective was adopted and plan for the rollout the improved service have been underway. The rollout of the enhanced green bin service began in May 2007 and over 400,000 local authority customers will avail of the improved service by mid 2008.

- To continue to extend and improve the green bin recycling service, increasing the quantity of material collected for recycling. This will be achieved through ongoing public information and motivation, increasing the capacity of the system, and continuing to extend collection to multi-unit dwellings. It is proposed to include new materials such as plastic bottles in the door-to-door collection.'

The delivery of a large-scale waste sorting facility for the region is critical to the successful implementation of the improved service. The development and construction of a new facility is well advanced and is due to be operational by mid 2008.

The collection of glass from the green bins is in contravention of the Bye-Laws for the Storage, Separation at Source and Presentation for Collection of Household Waste in force in the Region.

2.5 WASTE TRANSPORTATION AND EMISSIONS

The potential environmental impacts and emissions associated with waste transportation within the region due to uncontrolled fracturing of the Dublin household waste collection market are detailed in Section 4.4 of the Environmental Report. On this topic comments have been made in several submissions and these issues are summarised below. Responses to the issues raised have been prepared.

Issues

- a) The National Climate Change Strategy 2007 reports that the waste sector accounts for 2.5% of the total greenhouse gases emitted in 2005 and The main emission sources associated

²⁰ The Competition Authority has indicated that certain concerns are more effectively addressed through the competitive tendering of exclusive contracts. See section 2.17 and footnote 26.

- with household waste management are landfills. The level of greenhouse gas emissions contributed by the collection of household waste is not provided and it is likely to be miniscule compared to landfills.
- b) There is no basis for the estimated doubling of the waste collection fleet and no figures are provided to back up this claim. It is difficult to determine the impact on emissions as a result of changing the pattern of collection without carrying out a life-cycle assessment. It is suggested that a life cycle analysis be carried out.
 - c) The comment has been made that the low environmental impact from truck movements in the Dun Laoghaire area will be offset by an increased level of recycling by households served by private collectors and in particular the door-to-door collection of glass will result in a significant decrease in mileage travelled to bring banks.
 - d) It is suggested that competition will allow for a range of household services facilitate increased segregation of wastes by householders and is likely to limit the necessity for householders to use vehicles to transport waste materials to facilities such as bring banks and civic amenity sites. This would reduce emissions.
 - e) It is evident that there has been no noticeable increase in household waste collection vehicles serving householders in DLRCC as a result of the private sectors entry into the household waste market and it is entirely likely that the entry has resulted in a reduction in GHG emissions from household waste collection vehicles.
 - f) In County Kildare, household waste is collected by five operators. There are very few cases where more than two companies service a single housing estate, so the environmental impact of extra truck movements is low.
 - g) Several trucks servicing the same area would be temporary in nature until the market adjusts. It is likely that specific operators will establish a strong position in particular areas, sub-areas or estates based on economic route optimization and efficient transport logistics. The emergence of any trends towards 'monopoly' profits in such areas will be prevented by the threat of competition from operators in nearby housing areas or estates.
 - h) The emergence of competition and the resulting efficiency gains could stabilise the level of emissions arising from the way domestic waste is handled.. It is not necessarily the case that the route management and vehicle usage patterns by the Dublin Local Authorities are designed in order to minimise emissions.
 - i) Given the Local Authorities concerns over Green House Gas Emissions from additional waste collection vehicles why are the Local Authorities willing to allow the private sector collect from apartment blocks.
 - j) Rolling out the brown bin contradicts concerns on multiple refuse collection vehicles, which will have environmental impacts on air, noise, carbon emissions and traffic. A pilot study undertaken by a private collector on collecting organic waste found no end use for the product due to contaminated brown bins. It is suggested that investments in education and home composting would be more beneficial than introducing a brown bin service. This would provide consumers with financial incentives to reduce waste production and there is an end use for home compost material.

Responses

a) – e) The *National Climate Change Strategy 2007-2012* states that the waste sector accounted for 2.5% of total CO₂ emissions in 2005. This figure of 2.5% is taken from *Determining the share of National Greenhouse Gas Emissions for Emissions Trading in Ireland 2008-2012*, prepared for the government by ICF Consulting and Byrne O'Cleirigh, and accounts for Mt of CO₂ equivalent emissions in the landfill (96.4%) and wastewater (3.6%) sectors only. It does not include CO₂ emissions arising from the haulage of household waste. The impact of emissions from haulage vehicles operating in the

household waste sector is accounted for in *Section 2.9 Transportation Sector Emissions* of the same report. It states that transport emissions accounted for 19% of total national CO₂ emissions in 2005, the majority of which (over 95 %) arose from road transportation. The source data for the report is based on the NRA Report *Future Traffic Forecasts 2002-2040* and the EPA *National Inventory Report 2005*. The report however does not breakdown road transportation by class of vehicles or by the sector they operate in and hence there is no definitive figure for the contribution of household waste haulage to total CO₂ emissions. The only empirical data available with specific regard to Dublin waste was that of the cost of Diesel used in a collection vehicle over the course of one year. It is that figure that was utilised in the original estimation of Carbon Emission from domestic waste collection.

Transport 21 is the capital investment framework through which the transport system in Ireland will be developed over the period 2006 to 2015. One of the primary aims of Transport 21 is to ensure sustainability in the transport sector. Ensuring sustainability recognises that a modern transport system must be sustainable from an economic, social and environmental perspective. The transport sector is the fastest growing contributor to Ireland's total CO₂ emissions and the Department of Transport, as outlined in its *Statement of Strategy 2005 - 2007*, is committed to tackling the adverse environmental impacts of the transport sector while maximising the efficiency and increasing the mobility of goods and people on the transport network. Thus reducing the CO₂ emissions from waste haulage and maximising the efficiency of collections would be considered to be in line with this policy framework, as well as the National Climate Change Strategy 2007-2012. Should the emissions arising from the collection and haulage of waste be calculated to be small or 'miniscule' by comparison to the emissions associated waste treatment, this does not mean that they should be disregarded.

Following the introduction of Pay by Weight in Jan 2005 DLRCC recorded a fall off in household waste quantities and presentation rates. As a result an agreement was reached with Unions in December 2006 to reduce the daily waste collection fleet from 14 to 10 trucks. This revised collection arrangements took effect from March 2007. The existing crews continue to service 14,000 – 15,000 household bins weekly. The private collectors in Dun Laoghaire are serving over 25,000 customers and are servicing streets and estates currently served by the local authority also. The reduction in the council's fleet has not necessarily resulted in a decrease in carbon emissions as the local authority continues to serve residents in all parts of the functional area. The number of customers may have decreased but the distances covered by the collection vehicles have remained. The private collectors operating in the market are also serving a wide area and the combined emissions from all waste collection operations more than likely exceeds the baseline level generated by a single operator. As the uncontrolled fracturing of the Dublin household waste market continues, it is likely that more private household waste collectors will be competing for business in the same residential areas.

It is also worth pointing out that Dun Laoghaire Rathdown County Council has both their collection vehicle depot and their waste transfer facility located within the boundary of the functional area. In this way, distances travelled to and from collection routes are kept to a minimum and the efficiency of collections is maximised. This is not necessarily the case for private collectors, some of whom have to travel considerable distances from their depots to their collection routes, leading to a significant increase in kilometres travelled by household waste collection trucks.

At no point in the Environmental Report is the claim made that there would be a doubling of the waste collection fleet. The following assertions have been made in the report:

- “The uncontrolled fracturing of the household waste collection market with the arrival of multiple private waste collectors will have significant impacts in terms of waste transportation in the region.”
- “It is possible that in areas where previously one collection vehicle serviced all householders, several trucks will be arriving into areas and housing estates on different days to collect.”
- “The multiplication of this basic service could, in effect, double the level of emissions for waste collection”

The Environmental report provided a limited assessment of the effects of CO₂ emissions based on the

availability of data and that further Life Cycle Analysis would provide more accurate estimates. The basis for the claim, that uncontrolled fracturing of the household market with the arrival of multiple waste collectors will contribute to an increase in greenhouse gas emissions is well founded and justifiable as described previously. Coming from a baseline scenario whereby one operator (Dun Laoghaire Rathdown County Council) previously collected all the household waste in a particular estate, it is now the case that several different collectors operate in the same area, overlapping routes as they collect household waste. This is considered more inefficient than the baseline scenario and a theoretical example outlining this changing situation is presented in Appendix B.

There is no evidence to support claims in one submission that approximately 45,000 annual miles to bring banks along with air, noise and carbon emissions are saved and traffic congestion issues by the provision of a kerbside glass collection service.

Bring bank sites are an extremely popular means of disposing recyclables by the public. Bring bank sites are located in accordance with the policy objectives of the Waste Management Plan, which include:

- *'To continue to expand the network of bring banks, employing innovative methods of siting and collection e.g. underground banks. 111 new bring banks are proposed (see Table 18.1). Existing sites may be expanded or upgraded to accept additional materials'*
- *'The four Dublin Local Authorities will work to ensure that all bring banks are consistent and meet the same standard of appearance and service level. This will include the use of the regional waste logo, a standard set of names and colour coding of containers. A protocol for servicing bring banks will be agreed and all contractors required to meet the specifications set out, and the design standards set'*

Bring bank sites are sited in local community areas, to enable many members of the public to walk or cycle to these sites and deposit recyclables. It therefore cannot be assumed that all householders drive to these sites or that all householders make a return fortnightly trip to specifically deposit glass recyclables to bring bank sites. The frequency of people using bring banks is unknown and related to a specific individual's behaviour and routine. Householders tend to incorporate trips to a bring bank into other daily journeys and deliver a range of recyclable material to these sites in any given trip. This view is supported by case study carried out by in 2006 by the ERTDI on households in Clonakilty, Co. Cork, which states:

'Recycling households exploit the potential for economics of scale by taking many materials to be recycled, which is the efficient thing to do.....Having access to a car helps recycling activity, but of those 17% of households without access to a car nearly 80% still recycle regularly.'

The number of bring bank locations in the DLRCC area has increased from 64 locations in 2003 to 69 locations in 2006. DLRCC collected approximately 5,747 tonnes of recyclables via bring banks in 2006. This includes approximately 4,690 tonnes of glass, which equates to approximately 68.5kg of glass per household per annum. DLRCC has made good progress on meeting the required number of bring bank sites and the number of sites per population set out in the Dublin Waste management plan. The plan sets a target of 1 bring bank to every 2,500 people by 2010. In DLRCC there is currently 1 bring banks to every 2,812 people with an additional 8 more sites required by 2010.

In summary, it cannot be assumed that all householders drive to bring bank sites, to deliver glass to bring banks on a fortnightly basis. As stated it is more likely that visits to bring banks are incorporated into other regular daily journeys. Therefore it cannot be assumed that 1.17 million miles in the DLRCC area and the associated pollution and congestion will be removed as a result of the introduction of glass into the kerbside collection system.

It is also worth noting that the collection of glass in kerbside household green bins is in contravention of the Bye-Laws for the Storage, Separation at Source and Presentation for Collection of Household Waste in force in the Region and to conditions attached to waste collection permits. The potential exists for glass co-mingled with dry recyclables to cause health and safety issues to operatives at sorting and processing facilities in addition to contaminating clean paper and cardboard recyclables.

The problems associated with processing co-mingled glass and recyclables has been recently voiced by the British Glass and major UK Paper Mill operators.

Comments have been made that competition will increase the level of household kerbside source segregation and thus limit the number of waste related vehicle trips and the generation of emissions. Evidence from other regions where private waste collectors are well established in the household market provides a 2 bin collection system. This applies to the vast majority of private collectors operating in the household market in Ireland. In other cases where the local authorities provide a 3-bin collection service private collectors in these areas have been required and in some cases forced to provide an equivalent level of service. Legal action taken against a private waste collector operating in County Waterford resulted in a court decision ruling in favour of the local authority and the private waste collector is now required to offer a 3 bin collection service.

f) – g) One submission has made the comment that in Kildare where multiple collectors provide services to householders there are very few cases of multiple collections on streets and in housing estates. It has also been suggested that several trucks servicing the same area would be temporary in nature until the market adjusts.

Following consultation with Kildare County Council (KCC) on these comments the assertions made by these allegations are refuted. The list below sets out in general terms an example of the extent of overlap between waste collectors serving householders in the county:

- Newbridge: AES/Oxigen/KCC
- Leixlip/Kilcock: Allied Waste/Thorntons/O'Hagans/KCC
- Athy/Castledermot: KCC/R Whelan
- Other South Kildare: KCC/AES/Oxigen

It would not be uncommon to find some estates in these areas served by up to four waste collectors. The local authority often receives complaints about noise from householders due to the number of early morning collections taking place.

There is no available evidence to suggest that an unrestricted household waste market will stabilise as indicated. If the market in Dublin remains open the arrival of multiple collectors will stimulate high competition in all areas and it is unlikely that one operator will be able to establish a dominant position as suggested. The current situation in Kildare re-affirms this view. The proposed variation is a structured approach to securing the long-term viability of the single dwelling household collection market and will bring certainty and order to collection in the region.

h) The statement that the “emergence of competition and the resulting efficiency gains could stabilise the level of emissions arising from the way domestic waste is handled by householders” is without foundation. The entry of multiple waste collectors to the household market will contribute to a predicted increase in greenhouse gas emissions over the current base level as described in response a) – e). The multiplicity of collection vehicles in competition on the same routes will reduce the quality of the urban environment and increase emissions from the sector in the Dublin Region. The long-term effect of this scenario is unknown but the possible effects on emissions from multiple collectors are illustrated in a basic model prepared for this report, see Appendix A. As stated in the Environmental Report this scenario will be further complicated with the expansion to the green bin collection service and the roll out of the brown bin to householders in the Region.

In terms of efficiency and route optimisation, Local Authorities provide collection services to high density and low density areas across the region. The routes are planned to ensure maximum waste capture and up to 1,600 households can be served on a typical route. Vehicles when full return to collection depots or facilities during the route before returning to complete the route. The local authorities have local depots and facilities which facilitate efficient collections. The efficiencies of private waste collectors cannot be commented on without complete knowledge of their routes and depots. However it is noted that some of the existing collectors in the single dwelling household market, undertake the majority of their processing, treatment and disposal activities outside of the Dublin Region.

The variation is needed to bring order on the market and control the entry of the private collectors and the associated arrival of increased vehicle movements/ operations.

i) There are approximately 67,000 apartments/flats in the Dublin region. The Dublin Local Authorities service council flats and some apartment complexes in the region and they provide the green bin service to over 25,000 apartment units. Apartment complexes usually use the large 1,100 litre bins rather than the smaller 240 litre bins used by the majority of single dwelling households. The collection of waste by one vehicle serving and collecting waste from numerous households within a complex is the most efficient method of waste collection from apartments in terms of emissions and it is supported by the Dublin Local Authorities.

Private waste collectors continue to serve the majority of apartments in Dublin and are the main player in this market. Private waste collectors in Dublin who serve apartment complexes are generally also involved in the collection of commercial waste and are more familiar with the collection and handling of 1,100 litre wheelie bins.

j) One submission makes the comment that a pilot study on the source separated collection of organic waste found no end use for the product. The collection and treatment of source separated organic wastes and the generation of a valuable output, compost, has been recognised in consecutive Irish National Policy Statements as the preferred environmental method for managing organic wastes.

- *“For instance, a significant proportion of municipal waste is organic material - either separate or alternate bin collection is necessary to allow this material to be efficiently segregated and diverted to a central composting facility.....Separation at source tends to generate a cleaner waste fraction, which in turn produces a better quality compost.”*

Changing Our Ways, 1989

- *“The regional and local waste management plans already provide generally for the introduction of segregated collection systems for dry and organic recyclables (which is essential to ensure a clean feedstock and a quality, uncontaminated compost product), and the development of a network of centralised biological treatment facilities for organic municipal waste - mainly food/kitchen wastes;”*

Delivering Change 2002

- *“Recovery of biodegradable waste is a key element of the waste recovery dimension to national waste management policy.....Local authorities will need to take account of the implications of the Strategy in the context of updating their waste management plans, particularly in terms of the further roll-out of segregated collection of household dry recyclables and organic wastes, together with the provision of associated materials recovery/biological treatment infrastructure.”*

Taking Stock and Moving Forward, 2004

- *“The fundamental principles of the strategy can be summarised as follows.....emphasis on source separation of biodegradable wastes by the producer, followed by separate collections by the collector, enabling high quality recyclables to be recovered;”*

National Strategy on Biodegradable Waste, 2006

The successful rollout of brown bins has occurred in a number of local authority areas including Galway City, Galway County, Waterford City, Waterford County, Dublin City and Fingal County. Extensive preparation activities prior to the rollout of the collections included high level public awareness, and education with householders. The on-going success of these schemes depends on continued awareness, education, and enforcement along with communicating feedback on the service to householders and making the compost available for use to participants. The comment made in relation to brown bin collections is completely unsubstantiated and the findings of the pilot study not recognised. The Dublin Local Authorities follow and implement national policy direction on the management of organic wastes.

The Dublin Local Authorities must meet landfill diversion targets. This can be achieved in part through though the recovery of source separated of organic wastes. The Waste Plan contains the following policy objectives:

- The Dublin Local Authorities propose to introduce an additional household waste collection ('brown bin') for organic waste generated by households. This will be introduced on a phased basis once biological treatment capacity is established. The household waste collection system (including the grey/black bin) may switch to an alternating fortnightly collection for household waste at this time.
- The Brown Bin Service will be piloted in different locations throughout the Region to establish the most appropriate service for all householders, taking into account bin size and type, and collection frequency in order that the public are satisfied and willing to use the service. The most suitable charging mechanism for the Brown Bin service will be investigated during the pilots.

In accordance with the above, Dublin City Council and Fingal County Council have initiated pilot 'brown bin' collection services within their functional areas. This service has been rolled out to a total of 21,900²¹ households within the region.

Fingal County Council were the first waste collector in the Region to roll out a brown bin service and commenced collection in late 2005. This free service was initially rolled out on two collection routes in 2005 and is currently serving 11 routes. The brown bin waste material collected is sent to Midlands Waste Disposal, Navan for composting. The participation rate is seasonal, with the greatest uptake in summer months (>50%), due to increased amounts of green garden waste. The service is currently proving successful in that required diversion of biodegradable waste expected is being achieved. Fingal County Council has not experienced any great problems in relation to contamination. In January 2007 and October 2007 waste characterisation surveys were carried out on the contents of the brown-bin . The results showed low contamination rates in both surveys with a contamination rate of 5% recorded in January 2007 and a rate of 3.3% recorded in October 2007. Complete roll out of the brown bin service is expected to commence in late January/ early February 2008.

Dublin City Council have also commenced the full rollout of the brown bin collection service to all householders and this is expected to be completed in 2008. Dun Laoghaire Rathdown County Council and South Dublin County Council expect to commence roll out of the brown bin collection service in late 2008 or early 2009.

Waste awareness, education and home composting play an important role in the prevention and minimisation of biodegradable wastes. Environmental Awareness Officers and Green Schools Officers within the region to increase the public's awareness in relation to waste issues and to educate the public in relation to recycling and waste minimisation measures including home composting. An estimated 8,217 tonnes of organic material was prevented from entering the Dublin waste collection system in 2006 through the provision of home composting units.

It should be noted that the National Strategy on Biodegradable Waste and the Waste Management Plan require all of the above initiatives to be carried out in order to meet the required Landfill diversion targets.

2.6 WASTE TREATMENT CAPACITY

The potential environmental impacts on the planned waste treatment capacity for the region due to uncontrolled fracturing of the Dublin household waste collection market are detailed in Section 4.6 of the Environmental Report. On this topic comments have been made in several submissions and these issues are summarised below. Responses to the issues raised have been prepared.

Issues

²¹ 2007 data.

- a) The capacity of current waste management facilities proposed by Local Authorities are based on waste flow models, participation and capture rates which assume local authority control of the household waste collection service. This is a serious miscalculation given the significant expansion of the private sector into the household waste collection market throughout Ireland since the mid 1990's.
- b) Some private collectors are authorised to collect household waste in the Dublin Region in keeping with the conditions of issued waste collection permits and have invested in waste collection, processing equipment, fleet development and infrastructure allow them enter the market.
- c) The proposed variation sends negative signals to the private sector and will deter much needed investment in the waste management infrastructure and services as well as undermining existing investments. The current plan specifically encourages the provision of private sector waste management infrastructure and services. The proposed variation is contrary to and conflicts with the plan.
- d) The private sector are providing significant household waste recovery capacity within the greater Dublin area including compost facilities and MRF's, which are high up on the waste hierarchy in contrast to the significant disposal capacity proposed for development in the Dublin region.
- e) The lack of progress in relation to 'the lack of operational private sector treatment capacity for biological or green wastes' is not confined to the private sector. There are currently no biological treatment facilities operational within the region.
- f) The function of the proposed variation is to direct large quantities of household waste to local authority disposal facilities i.e. Poolbeg incinerator and Fingal Landfill, assuring the commercial viability of these facilities at the expense of the viability of alternative private sector recovery facilities (such as proposed MBT plants).
- g) The Programme for Government and Minister Gormley's recent public statement in relation to waste policy includes a commitment to (i) the introduction of MBT facilities (ii) undertake an international review of waste management plan practices and procedures (iii) the banning of 'put or pay' clauses for future waste facility projects (iv) not to alter the landfill levy in such a way as to give a competitive advantage to incineration.

Responses

a) – e) The waste flow models prepared for the Waste Management Strategy (1997) for the Dublin Region were not miscalculated and were based on best available data. Waste management for the Dublin Region was first set down and developed in the Dublin Waste Management Strategy. This Strategy aimed to deliver on European and National policy targets through a combination of integrated waste management solutions and best environmental practice. The Strategy examined in detail four possible alternative waste management scenarios for the management of Dublin's future waste. The four scenarios each entailed a varying mix of recycling, thermal treatment and landfill disposal. Each of the scenarios was modelled and compared taking into account the possible environmental, technical and financial implications of each.

The scenario combining *maximum recycling and use of thermal treatment to minimise landfill*, was selected as the preferred approach following an evaluation of technical, cost and environmental factors of all options were assessed and compared. Although overall somewhat more expensive than alternatives the preferred scenario was found to be the Best Practicable Environmental Option for the Region and could deliver EU and National policy targets. It is worth noting that the waste models were revised in 2007 as part of the oral hearing process for the Waste-to-Energy facility and the review again found the original preferred scenario best in terms of environmental performance.

The strategy to deliver the selected scenario placed significant emphasis on the recovery of dry recyclable and compostable material through source separation employing a 3-bin system. Recyclable and organic materials were to be segregated from the residual waste stream and treated in

recovery facilities for the region. This approach aims to maximise recycling and achieve a household recycling rate of 60% for the region.

- *'Biological treatment of organic waste to be based on a minimum number (one central or two regional) facilities. This technology should be developed in a phased way, using initial pilot scale development of both collection and treatment. The initial pilot development is proposed at Ballyogan'*

The collection of household wastes from single dwelling households in Dublin has historically been a local authority function. The sector continues to be serviced predominantly by the public sector with the exception of an estimated 22,000 households served by private operators.

It is important to point out that the Dublin Local Authorities have statutory obligations under section 38 of the Waste Management Acts 1996-2007 to provide and operate, or arrange for the provision and operation of, such facilities as may be necessary for the recovery and disposal of household waste. Furthermore the Dublin Local Authorities have the overall responsibility of ensuring the required waste management infrastructure outlined in the Waste Plan is developed within the region to meet the required landfill diversion targets.

To this end, Dublin City Council as the lead authority in the region has permitted over 100 private operators to collect household waste in keeping with the specific conditions of their waste permits and applications. The majority of private collectors operating in the household market serve apartment complexes with only 3 collectors operating in the single dwelling household market. In addition to serving the household market these collectors also operate in the non-household markets in Dublin. Based on returns for 2006 the majority of waste collected by private collectors in Dublin Region is non-household.

Investments in equipment and facilities made by private sector operators are typically flexible to facilitate the collection and processing of several waste streams – household, commercial, industrial and construction and demolition. The facilities operated by the private sector are typically licensed to accept multiple waste streams reflecting the integrated nature of the business provided by operators. It is contested that investments made by certain private sector operators have been made purely on a fixed market share of the single dwelling household market being obtained.

The Dublin Local Authorities recognise the investments made by private collectors serving both the household and non-household markets. These investments were primarily made based on non-single dwelling household customers and were made to meet the specific requirements of the private operators themselves rather than meeting the long term requirements of the Dublin region. Private sector investments in waste infrastructure typically include collection vehicles and systems, Materials Recovery Facilities, Waste Transfer Stations and Landfill. These facilities generally process and treat commercial, industrial and some household wastes.

It is worth pointing out that these investments are generally not to the scale necessary to meet the requirements of the Dublin region and furthermore are made in an ad-hoc fashion which means that the long term strategic planning, which is essential to deliver a timely scalable solution to meet the waste requirements of the Dublin region cannot be effectively undertaken. Table 18.5 of the Waste Plan summarises the proposed waste treatment infrastructural requirements for Dublin. The table identifies the local authorities as having the lead role in developing regional scale facilities for the region.

The development of biological treatment infrastructure by the private and public sector has been slow in comparison to the aforementioned infrastructure provided. However, two publicly owned treatment facilities are planned, each with a capacity to treat 45,000 tonnes of household biowaste and are being developed by the Local Authorities at Ballyogan and Kilshane. The two biological Facilities have been sized to effectively treat all of the source-separated organics collected from householders in the Region via the brown bin. These facilities will treat source-separated organics to produce high-quality, high-value compost. The Dublin Local Authorities are aiming to have both of these facilities operational in 2009 recognising that the expansion of the brown bin collection service is dependent on their timely delivery.

Other regional-scale infrastructure currently proposed by the Local Authorities, include a MRF (which will be operational in the next few months), Waste to Energy facility and landfill. The development of these recovery and disposal facilities is necessary to meet the long-term recycling and diversion targets of the Waste Plan.

The Waste Plan identifies waste infrastructure to be developed in the Region and who is envisaged to lead the development. The private sector collects and manages the majority of commercial and industrial wastes in the region and are identified as the primary developer of necessary treatment capacities. Private sector collectors also manage the majority of household waste collected from apartment complexes through direct contractual arrangements with the building management companies, and are identified as possible developers of additional household waste treatment capacity for biowastes and green wastes for the region where appropriate.

The Local Authority is not discouraging private sector development in household waste service and has acknowledged its contribution above. The Consultation Paper²² in relation to the proposed variation outlined the reduced ability of the Dublin Local Authorities to provide infrastructure such as treatment facilities, bring centres, recycling centres and facilities for household hazardous waste should the Local Authorities suffer a loss of revenue from the provision of household waste collection services from single dwelling households. The proposed variation being considered will bring order and structure to the waste market and ensure the long term viability of waste treatment infrastructure in the region both from a public and private perspective. The variation allows for Local Authorities to carry out the service or, as an alternative, Local Authorities will make arrangements for the collection of such household waste by way of a public tendering process. Furthermore if adopted, the proposed variation will ensure that the management of the collection of household waste in the region will continue to be primarily a function of the local authorities. This will ensure investment in regional infrastructure and provision of a universal waste management service to householders is secured.

f) The Dublin Waste Plan has at its core the principle of the EU Waste Hierarchy and a strategy of integrated solutions for managing wastes generated in the region. The recycling and recovery of waste are cornerstones of the strategy and ambitious targets have been set to significantly reduce the rate of landfilling. The following targets outlined in the Waste Plan were adopted for the region:

Source	Recycling	Thermal	Landfill
Household	60%	39%	1%
Commercial/Industry	41%	37%	22%
Construction/ Demolition	82%	0%	18%
Total	59%	25%	16%

To achieve the above targets the development of regional scale capacity for the treatment of dry recyclables, organic waste and residual wastes is underway. The Local Authorities commenced the planning and development of necessary large-scale waste infrastructure for the region in the late 1990s to ensure that the long-term Plan objectives are met.

The proposed Waste to Energy (WtE) facility and Fingal landfill are long-term public facilities planned for the region and are part of the integrated strategy for the region. Bearing in mind, the long lead-in times before successful delivery of major infrastructure, both facilities required significant advanced planning in order to encourage their successful delivery. The delivery of these facilities is well advanced with planning permission and a draft EPA Waste Licence issued for the WtE facility and a draft EPA Waste Licence issued for the proposed landfill facility. The implementation of these facilities will ensure regional objectives and targets are achieved and ensure public health is maintained. The proposed variation is not as suggested being introduced on the grounds of the future commercial viability of specific regional waste infrastructure.

²² <http://www.dublinwaste.ie/files/Dublin%20Local%20Authorities%20Consultation%20Paper.pdf>

The issue of directing waste is discussed in the Waste Plan and the Dublin Local Authorities highlighted the need to expand on waste treatment capacity to ensure that the regional targets are met. The following objective is set out in the Waste Plan and clearly states to private collectors that to meet plan objectives collected waste could be directed to a tier of waste treatment. However it should be noted that this does not allow Local Authorities to direct waste to specific facilities. The proposed variation, if adopted, will ensure that household waste generated by single dwelling households is managed and treated in keeping with the plan objectives. Otherwise there may be no other reasonable way to ensure that the Regional Waste Plan is implemented.

- The Dublin Local Authorities will if necessary and/or appropriate for environmental reasons, direct that certain waste streams must be delivered to a certain tier in the waste hierarchy (e.g. reuse, recycling, biological treatment, energy recovery). This will be achieved by means of the Waste Collection Permit system or other appropriate regulatory or enforcement measures.

g) National waste policy is set out by the DEHLG in the a series of Waste Policy Statements which include the following:

- Changing Our Ways (1998)
- Delivering Change (2002)
- Taking Stock and Moving Forward (2004)
- National Strategy on Biodegradable Municipal Waste (2006).

The policies outlined in these documents are fundamentally based on the EU Waste Management Hierarchy and delivering an integrated approach to waste management. The preferred hierarchy of treatment options are waste prevention, followed by minimisation, re-use, recycling, energy recovery and landfill. The Regional Waste Management Plans prepared by local authorities set out the framework for implementation of these waste policy objectives at a regional and local level.

The Minister for Environment, Heritage and Local Government issued in September 2007 a letter of intent highlighting the waste management issues including the future role of Mechanical Biological Treatment for managing residual wastes. At this time the use of MBT is not the preferred government policy for the management of residual wastes as stated in the current national waste policy statements. An International Review of Waste Management in Ireland is underway and will be examining national waste policy, including the role of MBT along with other technologies in delivering waste objectives and targets.

MBT is an alternative residual waste treatment process and in simple terms involves the mechanical and biological processing of residual wastes. The role of MBT was assessed during the preparation of the existing Waste Plan but it was considered that thermal treatment with energy recovery was a more appropriate system for the Dublin Region. The security of long-term viable markets for the outputs from MBT remains an issue while the energy yield from WtE with energy and heat recovery is quantitatively better. MBT has a role in an integrated waste treatment environment albeit as a pre-treatment technology to landfill or WtE, rather than as a substitute for such facilities.

This view is further supported in the National Strategy on Biodegradable Waste (2006) where it is stated that following the MBT process, 'Some recyclable materials are recovered, but the majority of the residue is usually sent to energy recovery, or to landfill.'

The preferred solution adopted by the Dublin Local Authorities is to segregate and collect at source recyclable materials and organic materials, and to thermally treat the remaining residues. In this regard the Dublin Local Authorities are developing separate regional facilities for the mechanical and biological treatment of source separated materials.

2.7 PRIVATE SECTOR EFFICIENCIES

Issue:

The comment has been made that competition, flexibility, and efficiencies in private sector collection and treatment mean that the private sector achieves higher recycling rates in terms of carbon emitted compared to local authorities.

Response:

The Dublin Local Authorities when setting out the strategy for the region carried out a comprehensive life cycle modelling exercise to determine the preferred waste strategy. The assessment included global warming potential, acidification, eutrophication, photochemical ozone formation and other environmental issues. The preferred scenario was found to be the Best Practical Environmental Option for the Region.

The statement that the “private sector achieves higher recycling rates in terms of carbon emitted” is without foundation and as pointed out in several other submission a full life cycle analysis would need to be undertaken to examine and compare carbon emitted for all services and operators. This would be an extremely difficult exercise to complete and it is doubtful that data required to complete such an exercise is available.

For reasons stated elsewhere in this report and in the Environmental Report, the current “free for all” approach to household waste collection in the Dublin Region where two or three waste collection vehicles visit the same estates to collect black bin or residual waste is not environmentally sustainable.

2.8 CASE STUDIES

The Environmental Report contained four case studies on the household waste collection markets in the Midlands Region, Galway City, Waterford County and Westmeath County Council. Comments have been made on the content of the case studies and these are responded to in turn.

2.8.1 Midlands Region

Issues

- a) Report extensively refers to the Midlands Region, which is predominantly rural and differs in demographics to Dublin. In the Midlands the majority of waste is collected by private collectors and there is a significant amount of uncollected household waste. This is due to the failure of the private sector to provide full collection coverage-however RPS ignore the fact that coverage currently provided by the private sector is equivalent to that operated by the Public sector before the private sector entered the market.
- b) Data presented is in contrast with those presented by the EPA. The EPA has indicated that in 2004 the household waste collection coverage was 74% within the midlands region. There is no mention of this disparity within the report but one must conclude that the EPA as national guardians of this data are satisfied with figures published.
- c) In relation to recycling rates, the report indicates that the percentage of households availing of a separate collection service for dry recyclables increased from 30% in 1998 to 65% in 2003. The report states that ‘the high level of uncollected waste...will make the regional recycling target of 45% difficult to achieve’. It is difficult to comment on this as current household recycling rates are not presented in the report though the private sector should be commended for the dramatic increase in percentage of householders now availing of dry recyclable waste collection services.

Responses

- a) This issue is responded to in Section 2.1 on collection coverage.
- b) The 2003 data presented on the Midlands Region case study is in contrast to figures presented by the EPA. RPS prepared the Waste Management Plan for the Midlands Region 2005 – 2010 and carried on detailed audit of each of the waste data for each local authority in the region. The data presented in the waste plan was signed off and published by the local authorities.
- c) The private sector in the Midlands Region have contributed to increasing recycling rates in the region implementing the waste plan objectives and rolling out source separated collections. The current household recycling rate in the Region is estimated to be approximately 17% based on the recyclable tonnages reported²³ compared to the estimated total household waste generated. This figure is low relative to other regions and local authorities.

2.8.2 Galway City

Issues:

- a) The Galway City case study charges that the private collector also regularly targets the residential developments of single dwelling households and apartment complexes as if this strategy is in some way illegal or environmentally unsound. There is absolutely no evidence presented that the collector in question neglects certain classes of society as alleged by the report.
- b) The Galway City case study provides a further example of a situation where the private sector has entered the market and provided an equivalent of higher level of service to householders at a cost that is less than that charged by the public sector. There is no suggestion that the service offered by the private sector is less environmentally sound.
- c) The drop in recycling rates from 2004 to 2006 is minimal (55% to 54%) and targets set in the Connaught WMP are exceeded. The drop in recycling rates is insignificant and may even reflect a level of accuracy in reporting and analysis of waste recycling statistics.

Responses

- a) The private sector collector currently providing services to households in Galway is serving about 70% of the city area. Householders in parts of the city cannot receive collection services from this collector. The local authority continues to serve the majority of low income households in Galway and retains a significant number of waiver applicants as part of its collection system. This issue is also addressed in Section 2.1 on collection coverage.
- b) The private collector operating in the Galway City waste collection market is now providing a 3-bin collections service as stated in the case study. The private collector in question didn't favour the 3-bin system and was forced to introduce the system or else face the possibility of having their waste permit revoked. The 3-bin system on offer is not available to all householders as the private sector does not serve all residents.
- c) The high collection rates which have consistently been recorded in Galway City are primarily down to the approach taken to household waste management by the local authority. Galway City Council rolled out a 3-bin collection system in 2004 and awareness teams called to all householders to introduce the scheme. The recycling rates in 2004 was recorded at 57% exceeding the regional target. The decrease in recycling rates in the intervening years is due

²³ Progress Report on the Implementation of the Waste Management for the Midlands Region Year 1 of 5.

to a number of reasons including the arrival of a private sector collector to the household market and the introduction of fixed fee collection systems.

2.8.3 Westmeath

Issues

- a) The Westmeath Study neglects to mention what the 'operational issues' were which led to the Council contracting out the household waste collection service to the private sector. It is worth noting that the household recycling rate has increased from 7% in 2003 (under council operating methods) to 24% in 2006 (when operated by a private contractor).
- b) Whilst retaining a private operator to operate the entire collection system in Westmeath, the local authority nonetheless facilitates expansion of the collection service into rural communities 'albeit on a case by case basis whilst maintaining current collection efficiencies'. This case study reflects the commercial reality that neither a direct local authority service nor a tender awarded to a private sector operator will ensure 100% collection in areas where the population distribution and road network do not allow cost efficient operation.

Responses

- a) In 2004 Westmeath County Council contracted out the household waste collection service to a private collector for a period of 5 years.^[13] The household recycling rate in the region has increased in part because the contract prescribed the rollout and collection of dry recyclables in addition to the collection of the black bin waste. The publicly managed service currently serves approximately 15,000 households and recycling rates continue to improve through the public private partnership approach.
- b) Since introducing the publicly managed household waste collection service the local authority have expanded the collection coverage in the region as stated in the documented case study. The local authority through are also facilitating further expansion into rural areas by encouraging householders in isolated communities to sign up together for the collection service.

2.8.4 Waterford County

Issues

- a) It is clear that participation by the private sector has enhanced recycling rates and assisted in meeting the recycling targets set out in the regional waste management plan.
- b) No evidence is provided in relation to backyard burning and illegal dumping.
- c) Increased proceedings could simply be related to an increased level of enforcement effort on behalf of the local authority.
- d) In relation to education and awareness activities- the Environmental Fund is available to fund such activities.

Responses

- a) The high recycling rates in the county Waterford are mainly due to the local authority 3 bin collection which was introduced in 2004 and the development of a biological treatment facility by the local authority. Private sector entrants to the market initially resisted providing a brown bin for the source separation of household organics.^[14] The private sector contribution to recycling rates in the local authority functional area is minimal.

- b) Waterford County Council have commented that backyard burning and fly-tipping have increased recently although the extent of the problem has not been quantified. Enforcement procedures in this area have increased as documented in the plan.
- c) See b).
- d) Grant aid from the Environmental Fund received by Waterford County Council does not cover the wide range of awareness campaigns and programmes managed by the local authority.

2.8.5 Cork City and County

Issues

RPS ignores experiences in Cork City and County, which is most directly comparable to the Dublin Region in terms of population and distribution. In Cork the local authorities have responded to competition by improving their services and rather than attempting to restrict competition by use of their regulatory powers. The significant difference between Cork and Dublin is that the Local Authorities have not committed to developing a WTE facility or other facilities that are dependant on guaranteed waste volumes and therefore do not need to ring fence the household waste market.

Responses

Cork County Council has been consulted and a summary of the household waste collection market was provided. The household waste collection market is fractured and local authorities compete directly in the market with several private waste collectors. Many of the potential environmental issues from the uncontrolled fracturing of the Dublin single dwelling household collection market as identified in the Environmental Report are in evidence in Cork.

- Uncollected waste remains an issue with an estimated 25% of households without a collection.
- The local authorities are the only collector in the region offering waivers to low income households.
- The local authority are struggling to expand the existing network of bring banks and recycling centres in the region due to financial limitations and uncertainty over future revenues.
- Flat fee waste charging systems are offered by several collectors competing in the market.
- In parts of the County several waste collectors are serving single collection routes and housing estates.
- Long-term recycling targets and diversion from landfill targets are at risk due to current market dynamics and lack of order in the marketplace.

2.9 LEGAL REQUIREMENTS

Issues

The comment has been made that the proposed variation may require a Statutory Environmental Assessment (SEA).

Responses

The Dublin Local Authorities have considered whether the proposed variation requires a Strategic Environmental Assessment to be undertaken and have consulted with the Environmental Protection Agency (EPA) in accordance with their obligations under Statutory Instrument (SI 435 of 2004). An environmental assessment of the proposed variation was submitted to the EPA as part of the consultation process. The EPA was invited to make a submission on the environmental assessment by correspondence dated 15th August 2007. No submission was received within the specified period of 4 weeks and accordingly a SEA is not required for the proposed variation.

2.10 CONSULTATION WITH MINISTER

Issues

In one submission the comment was made that there was no indication of notification of the variation to the Minister as required by s.23 (1) of the WMA.

Responses

The Dublin Local Authorities confirm that copies of the various documents, the Consultation Paper, the variation wording, Environmental and Economics Reports, were made available to the following prescribed bodies in accordance with Section (25) of the Waste Management Act 1996 – 2007:

- Office of the Minister, Department of the Environment, Heritage and Local Government.
- Office of the Minister, Department of Communications Marine and Natural Resources.
- Environmental Protection Agency.
- County Manager, Wicklow County Council.
- County Manager, Kildare County Council.
- County Manager, Meath County Council.
- Teagasc.
- An Taisce
- Office of the Minister, Department of Arts, Sports and Tourism.
- Office of the Minister, Department of Community, Rural and Gaeltacht Affairs.

2.11 ALTERNATIVE SUGGESTIONS

Issues

One submission comments that the variation will eliminate free-market competition from the waste/recyclable collection services in the Dublin area and the benefits that free market competition has already brought to the Dublin area. Instead it is suggested that the current situation be improved by making provision for the following:

- Halt all waste/recycling collection services by Dublin local authorities.
- Include costs for provision of recycling centres/public area waste collection in waste collection licenses.
- The Dept of Social Welfare and Family Affairs, in conjunction with service provider, to administer waiver scheme for waste/recycling collection irrespective of service provider.

Responses

The Dublin Local Authorities have the statutory powers to provide a collection service or arrange for a collection service to householders in their functional area. The Dublin Local Authorities are the primary collectors of household waste in the region and also collect quantities of commercial waste. The local authorities are developing large scale infrastructure which is required for the region and deliver a wide range of other waste services. The exit from all waste/recycling collection services by the Dublin Local Authorities could lead to a drastic increase in uncollected waste in the region which would cause environmental pollution and would threaten the ability to meet EU landfill diversion targets.

The Dublin Local Authorities in keeping with Waste Plan objectives have improved levels of cost recovery for waste management services. The following objective is included in the Waste Plan with regard to bring banks and recycling centres.

Extract from 18.12 Policy on Cost Recovery

- Any company collecting household waste will be required to provide the full range of services outlined in this Plan – bring banks, dry recyclables collection, organic waste collection (when introduced by Local Authorities), recycling centres and Bulky waste collection – or alternatively to pay costs for providing these services to local authorities.

In the absence of express legislative provisions, it is unclear if local authorities can transfer the costs for the provision of recycling centres via a permit condition to private sector collectors. Furthermore, the proposed variation would allow the Dublin Local Authorities to either collect specific streams of source separated household waste from single dwelling households within their respective functional areas or to arrange for such collection by way of competitive tendering process(es). An arranged collection service would be by a single operator in designated areas and would allow the Dublin Local Authorities to ensure that the successful tenderer implement the necessary collection objectives and other recycling measures. The use of contracted collection services in this manner is also considered in the legal review of the variation and the submissions received.

As identified in previous sections the Dublin Local Authorities have expressed support for a national waiver system if introduced. See also section 2.1 of this report for a detailed response to this issue.

2.12 EXCLUSION OF APARTMENTS

Issues

Include provisions for purpose built apartment dwellings. Apartment dwellers should also enjoy the same level of waste collection service as single dwelling householders. Many apartment dwellers are currently experiencing a wide variety of service throughout the region.

Responses

The Dublin Local Authorities have acknowledged that the quality of service to apartment residents needs to be improved and the following objectives have been set in the Waste Plan specifically for apartments.

- Space for Recycling – recycling requires separation of recyclable materials both within the apartment, and in the communal waste storage/ collection area. Adequate space needs to be made for 3-bin recycling systems (green, brown, and black bins) in both respects.
- Glass bottles will continue to be collected at bring banks. New apartments should include separate facilities for collection of glass. This can be achieved through dedicated wheeled bins or underground bring bank systems.
- Organic waste (food and garden waste) collections will commence for householders in 2006 and eventually extend to apartment blocks, therefore space provision for brown bins will be required. Pilot scale implementation of brown bin collection in apartments will be carried out initially.
- The same service levels will be required of apartment complexes whether they are serviced by Local Authority or private waste collectors.

The Dublin Local Authorities are currently serving approximately 25,000 apartment/flat units in the Dublin Region and are actively adapting and expanding collection services to serve more apartment complexes in the future. In 2008 Dublin City Council on behalf of the Dublin Local Authorities will pilot the roll out of a brown bin collection scheme to a number of apartment complexes in the city. The findings from this project will be used to assess the suitability of existing apartment complexes for the brown bin and the recommendations made for the design of waste storage areas in future high rise developments.

A fresh approach is required to the design of new apartment blocks and a specific document entitled *Guidelines for Waste Storage Facilities* has been prepared by Dublin City Council. The design of new apartment dwellings must take account of the waste storage requirements in accordance with the Waste Plan and thus the City and County Development Plans.

2.13 CONSULTATION PROCESS

Issues

The following comments were made on the consultation process to date:

- a) lack of transparency therefore the process is ultimately flawed
- b) Does not take issues raised in the submissions into account
- c) Comments made at a meeting with DCC on 13th March have not been responded to either.
- d) Process is non-transparent and in circumstances the outcome has been predetermined therefore the process is ultimately flawed.

Responses

The consultation process of the proposed variation has been an open and transparent process which has exceeded the consultation requirements of the Waste Management Acts.

A public notice advertising the Dublin Local Authorities' intention to vary the Waste Plan was published in The Irish Times on the 8th June 2007 which launched the consultation process and submissions from interested parties were invited. Six submissions were received during the consultation period. The environmental issues raised in those submissions have been considered by the Dublin Local Authorities.

Following this initial period of consultation, the Dublin Local Authorities prepared and published a Consultation paper and supporting documentation on the proposed variation to the Waste Plan, including:

- Public Notice
- Proposed Wording of the Variation
- Consultation Paper
- Environmental and Technical Report
- Economic Report.

All of these documents were made available online on 19th September 2007. The publication of these documents was not required under the Waste Management Acts 1996 -2007. A 2 month consultation period followed with a deadline of the 19th November 2007 for submissions on the variation.

In addition, the Dublin Local Authorities hosted the first Waste Management Forum, which was designed to provide an opportunity for all stakeholders (public, private, community, NGOs, Trade Unions) to participate in an open discussion on waste management in the region. At this event, Mr. Erik O'Donovan from Irish Waste Management Association ("IWMA"), presented a paper entitled "*Policy Overview - Dublin Waste Management Plan*" which prompted an open discussion of the Proposed Variation.

The comments made on the variation have been thoroughly reviewed and responded to in full where appropriate.

2.14 REVIEW OF THE WASTE COLLECTION PERMITS IS SUFFICIENT

Issues

The 'problems' identified in the report relating to private sector household waste collection are overstated and can be addressed sufficiently either by conditions in the waste collection permits (vehicle movements, segregation, provision of waste infrastructure, levels of recovery) or by means of public service obligation arrangement (relative to waiver customers ,rural area collection).

Responses

In December 2007 the Waste Management (Collection Permit) Regulations 2007 were published replacing the previously published regulation in 2001. Sections (18), (19) and (20) list the conditions which a local authority shall or may attach to a waste permit. The continued fracturing of the household market and potential environmental issues cannot be solely addressed through the waste collection permits. In particular it is not at all clear that the waste permitting system could be used by the Dublin Local Authorities to:

- Ensure universal service provision (including to waiver households);
- Provide, or otherwise contribute towards, the higher order waste solutions set out in the Waste Plan;
- Control vehicle movements; or
- Ensure reasonable pricing.

The proposed variation to the Waste Plan has been identified as being both reasonable and necessary:

- (a) to prevent or minimise the production or harmful nature of waste,
- (b) to encourage and support the recovery of waste,
- (c) to ensure that such waste as cannot be prevented or recovered is disposed of without causing environmental pollution, and
- (d) to ensure in the context of waste disposal that regard is had to the need to give effect to the polluter pays principle²⁴.

Responses to issues relating to collection coverage and waivers are dealt with in detail in Sections 2.1 and 2.2.

2.15 LACK OF EVIDENCE OF ACTUAL ENVIRONMENTAL PROBLEMS

Issues

The RPS report argues that there are a number of environmental 'problems' which MAY arise from the private sector household waste collection in the Dublin Region and which can only be overcome by ensuring that only the Dublin LAs can determine who collects it, either by doing it themselves or controlling it by tendering. This is not based on any evidence of ACTUAL problems and the analysis of case studies is flawed i.e. Cork is not included.

²⁴ See Section 22(6) of the Waste Management Acts 1996 – 2007.

The report deals with perceived environmental concerns, which are no more than theoretical. These perceived problems should be judged in light of practical reality. In DLRCC and many/most other parts of the country there the experience of private sector household waste collection is a positive and environmentally sound one.

Responses

The Environmental Report identifies potential environmental impacts from the uncontrolled fracturing of the single dwelling household waste collection market r. These include:

- An adverse impact on collection coverage rates, particularly in the rural and isolated parts of the region.
- An increase in levels of uncollected waste and the subsequent increase in backyard burning and fly-tipping.
- The introduction of alternative Pay-By-Use schemes without the financial incentives for householders to recycle and divert waste from the residual (grey) bin.
- An increase in the number of waste collection vehicles in Dublin and associated noise and traffic nuisance, traffic hazards, air pollution and greenhouse gas emissions.
- An adverse impact on the delivery of a universal quality waste service to all householders and on waiver scheme recipients.
- An adverse impact on the development of waste treatment infrastructure.

The potential environmental impacts are supported by evidence from other regions where uncontrolled fracturing has been in place over a longer period of time and the effects on the market can be observed.

The objectives of a waste management plan must be designed to *prevent* environmental pollution.²⁵ The proposed variation is considered both reasonable and necessary to prevent the potential environmental impacts identified above.

At this stage the impact from the initial fracturing of the single dwelling household market in Dublin is not known as the local authorities continue to manage, service and fund the majority of household waste collected from single dwelling households in the region. If the market remains open the arrival of multiple private collectors is inevitable and the predicted environmental and social concerns will become more pronounced. The documented case studies are factual and were prepared following consultation with the local authorities in question.

2.16 NO VARIATION REQUIRED FOR ANY REGION

Issues

RPS also fail to explain why such a radical approach is not recommended by them for other LA areas whose waste plans they have prepared.

²⁵ See section 22(6) of the Waste Management Acts 1996 – 2007.

Why is RPS advocating against private sector involvement in household waste collection in the Dublin Region? This is contrary to the approach in the waste management plans they prepared for other regions, where private sector collection is encouraged.

Responses

The decision to consider the proposed variation of the Waste Plan was made jointly by the Dublin Local Authorities. RPS prepared the Environmental Report which identified potential environmental and social impacts from the uncontrolled fracturing of the household waste collection market in Dublin. of the Environmental Report was one part of a lengthy and transparent consultation process with all comments and submissions reviewed in detail.

2.17 FUTURE COMPETITION IN THE MARKET

Issue:

The report fails to recognise that the Competition Authority was stimulated by complaints about a lack of choice. The introduction of the proposed variation and opting for a monopoly/ 'competition for the market' option would only stimulate more complaints from consumers.

The submission fails to address that different providers within a region can stimulate each other (e.g. enhanced offering to the public such as expanding the range of products that can be taken in a particular type of bin). If the submission argues, one entity has the franchise for several years then there is no on-going stimulation or competitive forces.

Responses

The Competition Authority investigation into the household waste collection market in North East Wicklow was stimulated following a series of complaints by householders over a "lack of choice/competition" and "excessive pricing". The report²⁶ prepared by The Competition Authority examined the option of competitive tendering and was not of the view that this type of structure would lead to increased customer complaints.

"Competitive tendering processes are an effective way of ensuring value for taxpayers' and consumers' money in situations where competition within the market is not working effectively. Consumer concerns regarding service quality can, for example, be more effectively addressed through competitive tendering of exclusive contracts rather than through ongoing regulation of the market..... Competitive tendering processes may also be used to address certain social and environmental concerns where, for example, the contract is awarded not only on the basis of price but also on account of certain other environmental and social criteria."

The quality of the collection service to customers can be controlled through performance criteria and penalty clauses as described in the Competition Authority document:

"Consumer concerns regarding service quality can, for example, be more effectively addressed through competitive tendering of exclusive contracts rather than through ongoing regulation of the market. This is because penalty clauses can be built into the contracts and contract defaults in respect of service quality can be easily detected by households thereby triggering enforcement of the penalty clauses."

In light of the above enforcement decision and the uncertainty, outlined in section 2.4 regarding the imposition of conditions in the permits, the Dublin Local Authorities are considering the option of introducing competitive tendering for the single dwelling household waste collection market as part of

²⁶ Decision of The Competition Authority (Case COM/108/02), Enforcement Decision Series (NO. E/05/002).

the proposed variation. The procurement of the household green bin collection service by competitive tendering is currently under way in the Region.

2.18 LACK OF REFERENCE TO INDEPENDENT REPORTS

Issue:

A submission makes the comment that there is little/ no reference to reports from Independent bodies.

Response:

The data and evidence referenced in the Environmental Report and this Consultation Report is accurate and sourced from a wide range of published documents. These include Regional Waste Management Plans, EPA Reports, National Waste Policy Statements, and reports from other state agencies.

2.19 BETTER SERVICE PROVIDED BY PRIVATE SECTOR

Issue:

Lack of provision of brown bin to householders by SDCC, following numerous queries as to when this service will be provided SDCC indicated that there are 'no immediate plans to introduce a brown bin...they are in the pipeline...but sometime in the future'. Private collector has since offered this brown bin service on a fortnightly basis plus the collection of plastic bottles, the same week SDCC also extended its service to include plastic bottles in its green bin.

The council has already failed to provide citizens who want to engage in the principle of source separation of waste into different waste fractions with the necessary means to do so and the variation will only preserve this. The private sector is already available and willing to do it and this proposal would block that development. The proposals do nothing to progress source separation of waste and the collection of it in particular brown bin waste. This proposal would shut down a means of segregation currently available and would not replace it with another. Any variation should provide for compulsory provisioning of a brown bin service with immediate effect.

Response:

The rollout of the brown bin waste collection service is underway in the Dublin Region with Fingal County Council and Dublin City Council providing this service to over 20,000²⁷ households. The continued expansion of this service is on-going with Fingal County Council announcing²⁸ that brown bins will be provided to residents in their functional area in 2008. It is now a requirement of the Storage, Presentation and Collection of Household Waste Bye-Laws 2006 in Fingal County Council that a brown bin collection must be provided to householders in the functional area. Dublin City Council have also commenced the rollout of the brown bin collection service to all customers and the delivery of the new service to all households is due to be completed by the end of 2008.

It is acknowledged that South Dublin County Council and Dun Laoghaire Rathdown County Council have yet to commence the introduction of the brown bin services to residents. It is understood that a comprehensive rollout of brown bins to all remaining households will coincide with the operation of the two centralised biological treatment facilities both currently being procured by public private partnership. These facilities are both due to be operational in 2009.

²⁷ Waste Management Plan for the Dublin Region 2005 – 2010, Draft Annual Progress Report 2007, November 2007.

²⁸ Fingal County Council, Press Release, 19/11/2007.

The introduction of the proposed variation will ensure that the 3-bin collection service is delivered to all single dwelling households across the region as set out in the Waste Plan.

2.20 BIN CHARGES PAYING FOR WAIVER SCHEMES

Issue:

In a submission the comment is made that the implied payment of waiver schemes from revenues from collection service, is “shocking”. The revenue from waste collection should not be used to fund waivers or anything other service, except the collection and disposal of household waste.

Response:

Full cost recovery of the household waste collection service is not being achieved in the region and the shortfall in revenues is covered by the local authority waste budgets. The funding of waivers is paid out of the local authority waste budgets and not from household waste collection revenues. The future funding of waivers to over 70,000 applicants in the region is under threat if collection revenues are reduced and local authority waste budgets are squeezed as a result. Waiver schemes in the Dublin Region cost an estimated €12 – 13 million in 2004. The Dublin Local Authorities are committed to ensuring “equity of access” to high quality waste collection services for all householders in the region. The Dublin Local Authorities are precluded in law from reimbursing private collectors for providing waste collection services to householders who would qualify for waivers. This issue is discussed further in the legal report prepared as part of the proposed variation to the Waste Plan.

2.21 ENFORCEMENT

Issue:

The comment is made that increased enforcement on waste collection service and source separation is required.

Response:

The development of integrated waste management services and infrastructure is an objective of the Waste Plan. The promotion of waste prevention measures including the prevention of unauthorised waste activities is also identified as a priority for the region. The proposed variation is intended to prevent activities such as fly-tipping and illegal dumping and is a more appropriate environmental and economic approach as opposed to managing problems through enforcement activities.

Nevertheless the level of enforcement in the region has increased through the activities on the ground of enforcement teams in the Dublin Local Authority areas. Table 2.7 details the activities of enforcement units in 2006. The enforcement of household collection bins is carried out by local authority waste collection staff or contracted staff on a random basis to ensure compliance with Bye-Laws for the Storage, Separation at Source and Presentation for Collection of Household Waste 2007.

However, while enforcement is unfortunately necessary, it is important to bear in mind as outlined in Section 2.3 of this report, it is more cost effective for a Local Authority to prevent the occurrence of illegal dumping than to pay for its subsequent remediation.

Table 2.7 Local Authority Enforcement Progress, 2006

	DCC	DLRCC	SDCC	FCC
No. of facility audits carried out	30	0	11	44
No. of inspections carried out	WCP: 236 Bus. Audits: 328 C & D Audits: 130 WEEE: 175 Plastic Bag: 30	2	88	729 at permitted sites and 331 at illegal status
No. of complaints received concerning environmental pollution	426	38 (non-litter) waste complaints	2	150
No of complaints investigated	426	38	2	150 (106 closed)
No. of checkpoints	79	2	1 in 2007	14
No. of enforcement procedures taken	51	71 (warning letters issued)	25	9

Source: Waste Management Plan for the Dublin Region 2005 – 2010, Draft Annual Progress Report, November 2007

2.22 INCREASE ACCESSABILITY OF RECYCLING FACILITIES

Issue:

The following comments were made in the context of providing additional local recycling facilities:

- Increase accessibility of recycling centres and bring banks to avoid queuing, best to have these located at shopping centres.
- Require additional security at bring centres- possibly close them at night under a shutter. CCTV should also be installed and prosecutions carried out.

Response:

It is an objective of the Waste Plan to expand the existing network of bring bank and recycling centres in the region. The extent of the existing network of local recycling centres and bring banks in the region is as follows:

- The number of bring banks in the region was 321 with an additional 53 planned by the end of 2010.
- The number of community bring centres in Dublin is 11.
- There are 9 recycling centres in operation with a further 3 planned by 2010.

The siting of these facilities is taken in consultation with local communities and business and the use of innovative methods in accordance with the Regional Waste Plan, such as underground bins, are being considered for future sites.

The use of CCTV at bring banks and recycling centres is employed as required.

2.23 POLICY AND REGULATORY CONTEXT

Issue:

One submission makes the comment that it is inappropriate for the Dublin Local Authorities to decide national policy by varying a Regional Waste Management Plan. Also as an international review of waste management in Ireland is underway it would seem more appropriate that all waste issues are reviewed together.

The comment has been made that the proposed variation focuses on the wrong issue and should be on strengthening enforcement and delivering better regulation of the waste market.

Response:

The variation to the waste plan proposed by the Dublin Local Authorities is not an attempt to vary national waste policy. Local authorities are required under the Waste Management Acts to maintain a sustainable Waste Plan in place of their respective regions and have a statutory duty to take such steps as are appropriate and necessary to ensure that policy objectives and environmental targets are met.²⁹

The Environmental Report identified a number of environmental concerns in relation to the uncontrolled fracturing of the household waste collection market in the Dublin Region. These concerns centre on the Dublin Local Authorities' obligations to encourage and support the recovery of waste and the prevention of environmental pollution in accordance with the objectives of the Waste Plan and the Waste Management Acts. The specific objective of the Proposed Variation is to enable the Dublin Local Authorities to stop the uncontrolled fracturing of the Dublin household waste collection market. The Proposed Variation would therefore prevent the environmental problems identified in the Environmental Report as being a possible result of this uncontrolled fracturing. The Proposed Variation will also allow the Dublin Local Authorities to continue to provide the higher order waste solutions (e.g. recycling centres, bring banks and waste prevention, education, awareness and reuse initiatives) which are set out in the Waste Plan. These objectives are all consistent with the aims required under section 22(6) of the Waste Management Acts 1996 – 2007.

The proposed variation to the Waste Plan is specific to the single dwelling household market in the Dublin Region and if adopted will bring order, certainty and structure to this market. In this regard the local authorities are acting, not out of self-interest, but rather in the interests of the region and the public from an environmental, social and economic perspective. The proposed variation is being considered in this context.

The Dublin Local Authorities have always adopted and followed national waste policy which forms the basis of the Regional Waste Plan. In the event of government policy being changed following the International Waste Review the Dublin Local Authorities will re-assess their regional waste strategy. Changes to the existing regional policy will be considered and made in the context of progressing sustainable waste management in the region and the existing and planned waste treatment capacities, having regard to existing contractual commitments.

²⁹ See section 22 of the Waste Management Acts 1996 – 2007.

2.24 COMPETITION IN THE DOMESTIC WASTE SECTOR

Issue:

The comment has been made that the proposed variation is unlikely to lead to increased competition in the market and would stifle investment and undermine the Irish waste market structure and the waste policy objectives.

Response:

As outlined in Section 2.17, the Dublin Local Authorities are considering the option of introducing competitive tendering for the collection of waste from the single dwelling household market. The Competition Authority who have assessed the dynamics of the household market are of the opinion that this arrangement would continue to deliver competition as well as environmental performance to the market. The proposed variation will ensure that there is more structure to the household market and the provision of waste treatment capacity, public and private, can be developed with greater economic security. The issue of competition in the household waste sector is addressed in more detail in the Economics Report by Dr. Francis O'Toole.

2.25 SUPPORT FOR THE WASTE PLAN VARIATION

A number of submissions expressed support for the proposed variation to the Waste Plan and a summary of the comments received in this regard are as follows:

- A private waste collector operating in the Dublin Region expressed support for the variation and the introduction of competitive tendering to the single dwelling household collection market.
- A number of elected members expressed support for the variation to the waste plan and in particular securing waivers for low-income households in the long-term and the provision of a universal service to all in the region. Support was also expressed for the inclusion of apartments in the proposed variation.
- A submission from a trade union was received and expressed concern over employment conditions for workers with private waste collection firms, the lack of waivers provided by private collectors, the threat to the universal waste service and the risk posed to local authority jobs in the waste sector. The variation should be adopted and the social, environmental and economic issues surrounding household waste collection addressed.
- Dublin City Council on behalf of the Dublin Local Authorities have met with representative of the European Commission Competition Unit and have discussed the proposed variation and the competition implications. The Competition Unit supported the proposed variation and the potential re-structuring of the market for competitive tendering.
- In addition the democratically elected Councils of Dublin City, South Dublin, and Fingal supported the motion to vary the waste management plan. A copy of the wording of the motion is included in Appendix C.

APPENDIX A

LSIT OF WRITTEN SUBMISSIONS

Title	First Name	Last Name	Company Name	Address 1	Address 2	Address 3	Date Submission Received	Date Acknowledged Receipt of Submission	Submission Format
Mr	Peter D.R	Murphy		3 Merlyn Road	Ballsbridge	Dublin 4	28/09/07	19/11/07	Letter
Mr	Mark	Riordan		Email: Mark Riordan@iadt.ie			10/02/07	19/10/07	Email
Mr	Damien	Farrell		97 Ballinteer Park	Ballinteer	Dublin 16	02/10/07	19/11/07	Email
Mr	Seamus	Dunphy		65 Clonard Drive	Dundrum	Dublin 16	12/10/07	19/10/07	Email
Ms	Iris	Park		St. Briac	11 NewtownPark Avenue	Blackrock Co. Dublin	16/10/07	19/10/07	Email
Mr	Colm	Gaynor		121 Woodfield	Scholarstown Road	Dublin 16	03/11/07	05/11/07	Email
Ms	Noeleen	McHenry	Arther Cox on behalf of Greenstar Ltd	Earlsfort Centre	Earsfort Terrace	Dublin 2	15/11/07	19/11/07	Email
Mr	Niall	Lawlor	Lawlor Bros. (Waste Disposal) Ltd. T/A Access Waste Recycling	Unit 28, JFK Industrial Estate	Naas Road	Dublin12	16/11/07	19/11/07	Letter

Mr	Eamon	Waters	Panda Waste Services	Beaupark Business Park	Navan	Co Meath	16/11/07	19/11/07	Letter
Cllr	John	Kenny	Progressive Democrats	33 Wilfield Road	Sandymount	Dublin 4	16/11/07	19/11/07	Email
Ms	Claire	Wheeler		Email: Claire.wheeler@o2.ie			19/11/07	19/11/07	Email
Cllr	Daithi	Doolan	Sinn Fein	Members Room	City Hall	Dublin 2	19/11/07	19/11/07	Email
Mr	Erik	O'Donovan	IWMA	Confederation House	84/86 Lower Baggot Street	Dublin 2	19/11/07	19/11/07	Email
Mr	Conor	Walsh	MCR Environmental	1 The Capel Building		Dublin 7	19/11/07	19/11/07	Letter
Cllr	Bronwen	Maher	Green Party	No 1 The Bramblings	Killester	Dublin 5	19/11/07	19/11/07	Email
Mr	Conor	Gouldsbury	IBEC	Confederation House	84/86 Lower Baggot Street	Dublin 2	19/11/07	20/11/07	Email
Mr	Niall	Killilea	The City Bin Co.	Email: Niall@citybin.com			19/11/07	21/11/07	Email
Mr	Steve	Cowman	Greenstar Holdings Limited	Unit 6, Ballyogan Business Park	Ballyogan Road, Sandyford	Dublin 18	19/11/07	21/11/07	Letter

APPENDIX B

**HOUSEHOLD WASTE COLLECTION
EMISSIONS MODEL**

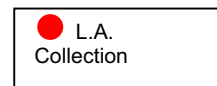
APPENDIX B - Household Waste Collection Emissions Model

Below, an estate located in Dun Laoghaire Rathdown with 88 residences has been selected and 3 different scenarios for household waste collection have been outlined.

- **Baseline:** Local Authority/Single Operator collects 100% of the household waste
- **Scenario 1:** Local Authority collects 66% of the household waste and Private Operator A collects 34%
- **Scenario 2:** Local Authority collects 50% of the household waste, Private Operator A collects 30% and Private Operator B collect 20%

Baseline:

The houses shown have their bins collected by the Local Authority. The total distance travelled within the estate by the collection vehicle is approximately 0.96 km. Entry and exit to the estate is via Birchfield Ave. as indicated by the white double sided arrow.



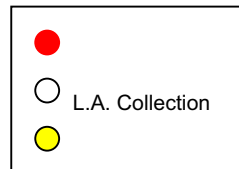
Scenario 1:

The houses shown have their bins collected by both the Local Authority and a private operator. The total distance travelled within the estate by the 2 collection vehicles is approximately 1.87 km (L.A. vehicle travels 0.91 km and the private operator travels 0.96 km)



Scenario 2:

The houses shown have their bins collected by both the Local Authority and 2 private operators. The total distance travelled within the estate by the 3 collection vehicles is approximately 2.75 km (L.A. vehicle travels 0.94 km, Private Operator A travels 0.94 and the Private Operator B travels 0.87 km)



These scenarios are representative of the changing situation in Dun Laoghaire Rathdown and they highlight the extra kilometres travelled by having multiple collectors operating in the same areas.

	Total Distance Travelled (km)	% Increase from Baseline
Baseline	0.96	-
Scenario 1	1.87	95%
Scenario 2	2.75	186%

In conclusion, the fracturing of the market will result in more contractor vehicle trips (and consequently emissions) to and from collection areas that are serviced by multiple contractors, this would be exacerbated where these contractors are based farther away from the collection areas. Furthermore, while the specific number of stops, and lifts may remain relatively constant where multiple contractors are operating, there will certainly be a duplication of collection kilometres in specific streets and estates, again leading to an increase in associated carbon emissions.

APPENDIX C
WORDING OF COUNCIL MOTION

MOTION TO COUNCIL

The motion wording to vary the Waste Management Plan for the Dublin Region 2005 – 2010 supported by the elected Councils of Dublin City, South Dublin and Fingal was as follows:

This Council supports the proposal to vary the Waste Management Plan so as to ensure that an integrated waste management service is available to all Dublin households including door to door collections, recycling centres, bring banks, glass banks, green waste reception centres, environmental awareness services, a clean up service for dumped waste and a bulky household collection service.

This variation will ensure that the 70,000 low-income households in the region that are on waivers continue to receive a collection service. The current free for all in the market leads to cherry picking by the private sector by excluding households, who are not in a position to pay charges, from a collection, resulting in serious social and environmental drawbacks.

These include traffic congestion, noise, and air quality and greenhouse gas emissions. The increase in greenhouse gas emissions from refuse trucks where 2 or 3 operators are serving individual streets and estates is not acceptable from a climate change or carbon footprint point of view and therefore this Council applauds this progressive variation.