 

**Self-Declaration Questionnaire –**

**Management of Commercial Waste including Food waste and Mixed Dry Recyclables**

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| Section A – Information  |
| **Name of Commercial Premises:** | Address:Eircode: |
| **Business Activity:****Supermarket Min-market Takeaway** **Filling Station Other\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** |
| **Registered Company/Business Name(s)** *(if applicable)***:** | **Registered Company/Business Number(s) (CRO)** *(if applicable)***:** |
| **Person completing the self-declaration:** | **Position held:** |
| **Telephone No:** **Mobile No:** | **Website/Email:** |

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| **Section B – Details of Authorised Waste Collector and Service Provided**  |
| **Question** | **Answer**  |
| **What is the name, address, and permit number of your Authorised Waste Collector?** |  |
| **Has the authorised waste collector provided you each of the following?** | ***Answer Yes/No below*** |
| **Residual Waste Bin** |  **Yes** **No** |
| **Mixed Dry Recyclable Bin** |  **Yes** **No** |
| **Food waste Bin** |  **Yes** **No** |

| **Section C – Management of Waste** |
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| **Question** | **Yes** | **No** | **Comment** |
| Is food waste being segregated and separated from non-biodegradable material, other waste and contaminates? [Reg. 7 (1)(a), 8(1)(a) & 9(1)(a)] [[1]](#footnote-2)\* |  |  | \*refer to appendix 1 |
| Is a source segregated food waste collection service available to the producer of waste? [Reg. 9(1)(a)] \* |  |  |  |
| Is food waste being collected by an authorised waste collector and transferred to an Authorised Facility? [Reg. 7(1)(b)(i)), 8(1)(b)] \*If Yes, provide the name and address of the Waste Collector and Authorised Facility: If no who collects food waste? |  |  |  |
| If No (Authorised Waste Collector is not collecting the waste food), is food waste transferred directly by The Producer to the Authorised Facility? [Reg. 7(1)(b)(iii), 8(1)(b)] \* |  |  |  |
| Is food waste being treated on premises? [Reg. 7(1)(b)(ii)] \* |  |  |  |
| If food waste is being treated on the premises, what type of unit is being used and is it authorised in accordance with Waste Management (Facility Permit and Registration) Regulations 2007 as amended? (COR/WFP number) |  |  |  |
| Does the premise have a macerator unit? [Reg. 9(1)(b)] \*If Yes, does the premises hold a Trade Effluent Discharge Licence under the Local Government (Water Pollution) Act 1977 as amended, and does the unit / premises conform to the licence conditions? |  |  |  |
| Does the premises have a Grease Trap system installed?If Yes, submit maintenance records for grease trap and submit evidence that an Authorised Waste Collector is transferring waste to an Authorised Facility  |  |  |  |
| Are Mixed Dry Recyclables segregated and separated from Residual and Biodegradable Waste and put into the Mixed Dry Recyclable bin for collection by your permitted waste collection provider? |  |  |  |
| Are Waste Electrical and Electronic Equipment (WEEE) and Waste Batteries managed appropriately? Please provide comment on how these wastes streams are managed. |  |  |  |
| **Section D – Signature** |
| Declaration: I hereby certify that all the information provided is correct:**Person completing form Signature:** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**Date:** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**Print Name:** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_*The processing of information in this form, including personal data is necessary for us to comply with our statutory/**legal obligations and for the performance of a task carried out in the public interest or in the exercise of official authority**vested in [****insert Local Authority name]*** *under the Waste Management Act 1996 as amended and Regulations made**thereunder, and in accordance with Directive (EU) 2016/680 and the Data Protection Acts 1998 to 2018.**Please note that [****insert Local Authority name]*** *will be verifying information received with the Collectors /Facilities**declared in this form.**This document does not purport to be and should not be considered a legal interpretation of the legislation referred to herein.* |

**Appendix 1.**

**Outline of the Waste Management (Food Waste) Regulations S.I. 508 of 2009**

The Waste Management (Food Waste Regulations) S.I. 508 of 2009 were introduced to promote the segregation and recovery of commercial food waste.

A person who fails to comply with the relevant provisions of Regulations 6, 7, 8, 9, 10, 11 or 12 shall be guilty of an offence as outlined below.

**A copy of the Food Waste Regulations can be obtained by following this link:** [**http://www.irishstatutebook.ie/eli/2009/si/508/made/en/print**](http://www.irishstatutebook.ie/eli/2009/si/508/made/en/print)

**For Convenience Regulations 7, 8 and 9 are set out below.**

***Food waste arising on a producer’s premises.***

(1) Subject to paragraphs (3) and (4) and without prejudice to the power of any local authority to provide for additional policy objectives under a relevant waste management plan or to apply more onerous conditions under a waste collection permit or under a waste presentation bye-law, a producer shall ensure, as a minimum, that—

* 1. food waste arising on the producer’s premises is source segregated and kept separate from non-biodegradable materials, other waste and contaminants, and
	2. source segregated food waste arising on the producer’s premises is—
		1. collected by an authorised waste collector and transferred for an authorised treatment process, or
		2. subjected to an authorised treatment process on the premises where the food waste was produced, or
		3. transferred directly by the producer for the purposes of an authorised treatment process, subject to the producer being able to produce satisfactory documentary evidence, in the reasonable opinion of the local authority, of the treatment of the food waste at an authorised facility.
	3. Section 34(1)(*a*) of the Act shall not apply in respect of—
		1. a producer entered in the animal by-products transport register under Part 4 of the European Communities (Transmissible Spongiform Encephalopathies and Animal By-Products) Regulations 200840, or
		2. a producer transferring source segregated food waste arising on his premises for the purposes of an authorised treatment process in accordance with paragraph (1)(*b*) (iii), provided that the vehicle used for the transfer is—
			1. transporting the waste in compliance with the general requirements of article 4 of Directive 2006/12/EC6, and
			2. facilitating the transfer of the waste for the purposes of an authorised treatment process, and
			3. registered in accordance with the provisions of section 131 of the Finance Act 1992 (No. 9 of 1992), and, as appropriate,
			4. licensed under section 1 of the Finance (Excise Duties) (Vehicles) Act 1952 or section 21 of the Finance (No. 2) Act 1992.
	4. For the purposes of subparagraph (1)(*b*), “source segregated food waste” shall mean food waste which is kept separate in accordance with the definition of “source segregation” in Regulation 2 and subparagraph (1)(*a*).
	5. Notwithstanding paragraph (1) and subject to any terms and conditions set down in, or arising from, Regulation 1774 or Regulation 1069 or from any approval issued for a facility under Regulation 1774 or Regulation 1069, a producer is not required to segregate catering waste from former foodstuffs within the meaning of Regulation 1774 or Regulation 1069 when these materials are to be subjected to an authorised treatment process at the same authorised facility.
	6. Producers shall take all reasonable steps to minimise the creation of odours and nuisance in discharging the obligations arising from this Regulation.

***Handling and prohibition on contamination of food waste before and after collection***

1. (1) Without prejudice to Regulations 7(4) and 9, food waste segregated or collected for the purposes of treatment in accordance with Regulation 7 shall not be—
	1. mixed with other waste or other material with different properties, or
	2. disposed of by a producer, authorised waste collector or any other person prior to delivery at an authorised facility for the purposes of an authorised treatment process.
2. Following reception at an authorised facility for the purposes of an authorised treatment process and without prejudice to amendments made for the purposes of—
	1. blending of food wastes with other suitable organic waste materials, or
	2. improving the substance and structure of food waste

in order to facilitate the efficient and effective treatment of the food waste at that facility, a person shall not contaminate food waste.

1. Paragraphs (1) and (2) shall not prejudice the disposal of waste which, in the reasonable opinion of the competent authority, is considered unsuitable for beneficial use arising out of any treatment operation authorised under the Act, the Act of 1992 or under Regulation 1774 or Regulation 1069.

***Requirement to use a segregated collection service for food waste***

1. (1) Where a source segregated waste collection service is available to producers of food waste and without prejudice to the conditions of a discharge licence or a waste collection permit, a person shall not—
	1. deposit food waste in the residual waste collection, nor
	2. use purpose built mechanical devices to shred or hydrate or otherwise alter the structure of food waste for the purposes of facilitating its discharge in waste water to a service connection, drain or sewer.
2. Paragraph (1) shall not prejudice the disposal of food or other waste which, in the reasonable opinion of the competent authority, is considered unsuitable, as the case may be, for source segregation and processing or sub- sequent beneficial use arising out of any operation carried out by an authorised treatment facility.
3. Notwithstanding any contractual arrangement to the contrary effect an authorised waste collector shall not-
	1. be obliged to collect or arrange for the collection of food waste from a producer where it considers that the said producer is not in compliance with the requirements of these Regulations,
	2. accept food waste for disposal from a producer without first receiving a written declaration, signed by the person in charge of the premises from which the waste is to be collected, stating that the producer will source segregate and present food waste for collection in compliance with Regulation 7.
4. An authorised waste collector shall, on an annual basis, and by 31 December in each calendar year, inform the relevant local authority of persons who are refusing to avail of the source segregated waste collection service.
5. Recovery operators, brokers and dealers shall furnish such information in relation to food waste collected, transferred, treated, recovered, or disposed of within a specified period, in such form and at such frequency as may be specified by the Agency.

***OFFENCES***

***Regulation 13 sets out a schedule of offences that may be committed by a waste producer and a waste collector.***

***An offence committed under the Food Waste Regulations represents an offence under the Waste Management Acts: 1996, as amended. The potential penalties are set out in Section 10 of the Waste Management Act:***

***Section 10.— (1) A person guilty of an offence under this Act (other than an offence referred to in subsection (2)) shall be liable—***

***( a ) on summary conviction, to a Class A fine or to imprisonment for a term not exceeding 12 months, or to both such fine and such imprisonment, or***

***( b ) on conviction on indictment, to a fine not exceeding €15,000,000 or to imprisonment for a term not exceeding 10 years, or to both such fine and such imprisonment.***

***(2) A person guilty of an offence under section 16 (5), 32 (6) (where the offence consists of a contravention of regulations under subsection (4) of that section), 33 (8), 34(1) (c), in so far as the offence consists of a contravention of a condition attached, under section 34 (7) (d), to a waste collection permit, 34 (10A), 34 A(13), 38 (7) or 40 (13) shall be liable on summary conviction to a Class A fine or to imprisonment for a term not exceeding 12 months, or to both such fine and such imprisonment.***

***(3) If the contravention in respect of which a person is convicted of an offence under this Act is continued after the conviction, the person shall be guilty of a further offence on every day on which the contravention continues and for each such offence the person shall be liable, on summary conviction, to a fine not exceeding €1000 or (in the case of an offence to which subsection (1) applies) on conviction on indictment, to a fine not exceeding €130,000.***

**Appendix 2**

**Schedule 1 of Waste Management (Food Waste) Regulations, as amended S.I. 508 of 2009**

**Class 1:** Premises used for the supply of hot food for consumption both on and off the premises, including premises where the supply of such food is subsidiary to any other commercial or retail activity, (including events prescribed under section 230 of the Act of 2000 but excluding other premises located at any fair, funfair, bazaar, circus or any local event of a religious, cultural, educational, political, social, recreational or sporting character where the use for such purposes does not exceed, as the case may be, a period of 10 days continuously or an aggregate of 20 days in any one year). Mobile food outlets, such as vans and caravans, located outside the curtilage of premises so obligated shall be exempted from the requirements of these Regulations.

**Class 2:** A public house where food is supplied, which has been prepared in a kitchen or catering facility engaged in the preparation of food for the purposes of supply.

**Class 3:** Premises where food is supplied to employees or prepared on the premises for the purposes of supply to employees, including premises which are used for carrying on any industrial, commercial or trade activities as well as office buildings and mixed-use premises.

**Class 4:** A guest house, hostel or hotel providing overnight guest accommodation, excluding premises comprising not more than four bedrooms which are used for the purposes of overnight guest accommodation.

**Class 5:** A shop or supermarket involved in the sale of food to the public, including premises for the sale of sandwiches or hot food where the sale of such food is subsidiary to the main retail use.

**Class 6:** A restaurant, café, bistro, wine bar or other similar premises where food is prepared on the premises.

**Class 7:** A hospital, nursing home or other premises for the long-term residential accommodation of people in need of care where food is prepared on the premises.

**Class 8:** An institution providing adult, continuing or further education, a school, college or training centre, or a university or any other third-level or higher-level institution, whether or not supported by public funds, where food is prepared on the premises.

**Class 9:** State buildings where food is prepared on the premises, including: —

(*a*) Garda stations and other buildings;

(*b*) Prisons and other places of detention;

(*c*) Barracks, other buildings and other installations (including airfields and naval yards) used for the purposes of, or in connection with, the operation of the Defence Forces;

(*d*) Office buildings or other premises used for the purposes of, or in connection with, the business of Uachtarán na h-Éireann, Dáil Éireann, Seanad Éireann, the Department of the Taoiseach, the Office of the Tánaiste, the Department of Defence and other Government Departments;

(*e*) Office premises and other buildings used by local authorities.

**Class 10:** Canteen services where food is supplied to employees or prepared on the premises for the purposes of supply to employees, which—

(*a*) is situated on the site of construction, development or refurbishment works, and

(*b*) where the duration of such works exceeds a period of 9 months.

**Class 11:** Stations, Airports, Ports, Harbours and Marinas where trains, planes, and boats which engage in the supply of food to the public (other than food waste originating from means of transport operating internationally) unload food waste from the transportation medium.

1. See Appendix 1 for further details on the Waste Management (Food Waste) Regulations S.I. 508 of 2009 and Appendix 2 which includes Schedule 1 from the Regulations setting out the Classes of activities subject to the Commercial Food Waste Regulations 2009. [↑](#footnote-ref-2)