

WASTE MANAGEMENT (LICENSING) REGULATIONS 1997

INDEX

PART I

PRELIMINARY AND GENERAL

1. Citation.
2. Purpose of Regulations.
3. Interpretation generally.
4. Commencement of licensing of activities.

PART II

NOTICES REGARDING APPLICATIONS FOR OR REVIEWS OF WASTE LICENCES

5. Notice of intention to apply to the Agency for a waste licence or the review of a waste licence.
6. Notices in newspapers.
7. Site notices.
8. Further notice.
9. Notice to the relevant planning authority.
10. Notice by the Agency of intention to review a waste licence.

PART III

APPLICATION FOR A WASTE LICENCE OR THE REVIEW OF A WASTE LICENCE

11. Making of an application to the Agency.
12. Contents of an application for a waste licence or the review of a waste licence.
13. Certain applications to be accompanied by an environmental impact statement or to comply with other requirements where exemption has been granted.
14. Procedure on receipt of an application.

PART IV

CONSIDERATION OF APPLICATIONS AND REVIEWS

15. Submissions to the Agency regarding applications.
16. Further information.
17. Impact on the environment in another Member State.
18. Notice to certain public authorities and bodies.
19. Availability and inspection of documents.
20. Investigations concerning discharges to groundwater.
21. Matters in an environmental impact statement to which the Agency shall have regard in certain cases.
22. Defrayal or contribution towards costs of investigations.
23. Withdrawal or abandonment of an application.
24. Notification of proposed determination of applications.

PART V

OBJECTIONS AND ORAL HEARINGS

25. Circulation of objections.
26. Power of Agency to request a further submission by an objector.
27. Power of Agency to request submission by an objector of documents, particulars or information.
28. Withdrawal or abandonment of an objection.
29. Notification of oral hearing.
30. Procedure at oral hearing.
31. Power to require attendance at oral hearings.
32. Adjournment or reopening of an oral hearing.
33. Replacement of person appointed to hold an oral hearing.
34. Matters which may be taken into account by the Agency.
35. Period for consideration of an objection.
36. Notice of Agency's decision on an application.

PART VI

CONDITIONS ATTACHED TO, AND REVIEW OF, A WASTE LICENCE

37. Conditions necessary to give effect to certain provisions of Community acts.
38. Conditions regarding gas control at a landfill facility.
39. Conditions regarding the recovery or disposal of waste oil.
40. Review of waste licence authorising discharges to groundwater.

PART VII

Licensing fees

41. Fee for application for a waste licence.
42. Fee for application for review or surrender of waste licence.
43. Fee for the making of objections. 44. Fee for application for transfer of a waste licence.
45. Fee for request for an oral hearing.
46. Discretionary power to refund or waive fee in certain circumstances.

PART VIII

Miscellaneous

47. Prescribed offences for the purpose of section 40 (7) of the Act.
48. Criteria for the determination by the Agency of a relevant person.

FIRST SCHEDULE

Prescribed dates FOR licensable activities

SECOND SCHEDULE

PROVISIONS OF COMMUNITY ACTS WHICH ARE TO BE GIVEN EFFECT TO IN WASTE LICENCES

THIRD SCHEDULE

Fees

S.I. No. 133 of 1997.

The Minister for the Environment, in exercise of the powers conferred on him by sections 7 of the Waste Management Act, 1996 (No. 10 of 1996) hereby makes the following Regulations:

PART I

PRELIMINARY AND GENERAL

REG 1

Citation

1. These Regulations may be cited as the Waste Management (Licensing) Regulations, 1997.

REG 2

Purpose of Regulations

2. The purposes for which these Regulations are made include the purpose of giving effect to provisions of:

(a) Council Directive 75/439/EEC of 16 June, 1975 on the disposal of waste oils, as amended by Council Directive 87/101/EEC of 22 December, 1986(1),

(1)O.J. No. L194/23, 25 July, 1975, and O.J. No. L42/43, 12 February, 1987.

(b) Council Directive 75/442/EEC of 15 July, 1975 on waste, as amended by Council Directive 91/156/EEC of 18 March, 1991(2), (2)O.J. No. L194/39, 25 July, 1975, and O.J. No. L78/32, 26 March, 1991.

(c) Council Directive 80/68/EEC of 17 December, 1979 on the protection of groundwater against pollution caused by certain dangerous substances(3),

(3)O.J. No. L20/43, 26 January, 1980.

(d) Council Directive 85/337/EEC of 27 June, 1985 on the assessment of the effects of certain public and private projects on the environment(4),

(4)O.J. No. L175/40, 5 July, 1985.

(e) Council Directive 87/217/EEC of 19 March, 1987 on the prevention and reduction of environmental pollution by asbestos(1),

(1)O.J. No. L85/40, 28 March, 1987.

(f) Council Directive 91/689/EEC of 12 December, 1991 on hazardous waste(2), and

(2)O.J. No. L377/20, 31 December, 1991.

(g) Council Directive 96/61/EC of 24 September, 1996 concerning integrated pollution prevention and control(3).

(3)O.J. No. L257/26, 10 October, 1996.

REG 3

Interpretation generally

3. (1) In these Regulations, any reference to a Schedule, Part or article which is not otherwise identified is a reference to a Schedule, Part or article of these Regulations.

(2) In these Regulations, any reference to a sub-article or paragraph which is not otherwise identified is a reference to the sub-article or paragraph of the provision in which the reference occurs.

(3) In these Regulations, save where the context otherwise requires—"the Act" means the Waste Management Act, 1996;

"an application" means an application for a waste licence or for the review of a waste licence;

"applicant" means an applicant for a waste licence or for the review of a waste licence;

"certified facility" means a waste disposal facility the proposed development of which was certified by the Minister for the Environment under Part IV of the Local Government (Planning and Development) Regulations, 1990 (S.I. No. 25 of 1990) or Part IX of the Local Government (Planning and Development) Regulations, 1994 (S.I. No. 86 of 1994);

"development" has the meaning assigned to it in the Act of 1963;

"existing facility" means

- (i) a certified facility, or
- (ii) a facility at which the disposal of waste, was, at any time during the period of 12 months ending on the 1st day of May, 1997, carried on and where such disposal was carried on in accordance with a permit (where required) under the European Communities (Waste) Regulations, 1979 or the European Communities (Toxic and Dangerous Waste) Regulations, 1982, other than a facility which involved or was associated with an unauthorised structure or an unauthorised use within the meaning of the Act of 1963;

"the Environmental Impact Assessment Regulations" means the European Communities (Environmental Impact Assessment) Regulations, 1989 to 1996;

"Member State" means a Member State of the European Communities;

"objection" means an objection under section 42 of the Act;

"oral hearing" means an oral hearing under section 42 of the Act;

"party to the objection" means any of the following persons—

- (i) the objector,
- (ii) the applicant for a waste licence, or the licensee in the case of a review of a waste licence, in relation to which an objection is made by another person (other than a person acting on behalf of the applicant or licensee),

and "party" shall be construed accordingly;

"Planning and Development Regulations" means the Local Government (Planning and Development) Regulations, 1994 to 1997;

"planning permission" means a permission granted under Part IV of the Act of 1963;

"the register" means the register established by the Agency under section 19 of the Act;

"related waste operation", means, in relation to an activity the carrying on of which by a person requires a waste licence, any operation involving the holding, recovery or disposal of waste by or on behalf of the said person which is carried on in, on or adjacent to, the facility at which the said activity is carried on;

"review of a waste licence" means a review of a waste licence under section 46 of the Act;

"waste licence" means a waste licence for the purposes of Part V of the Act.

REG 4

Commencement of licensing of activities

4. (1) Subject to sub-article (3), the date specified in column (2) of the First Schedule opposite a class of activity identified in

column (1) of the Schedule shall be the prescribed date for such activity for the purposes of section 39 (1) of the Act.

(2) For the purposes of section 39 (1) of the Act, a class of activity identified in column (1) of the First Schedule shall include a related waste operation.

(3) Sub-article (1) shall not apply in respect of an activity at a facility connected with an activity for the time being specified in the First Schedule to the Act of 1992.

PART II

NOTICES REGARDING APPLICATIONS FOR OR REVIEWS OF WASTE LICENCES

REG 5

Notice of intention to apply to the Agency for a waste licence or the review of a waste licence

5. An applicant shall—

(a) within the period of two weeks before the making of an application for a waste licence or for the review of a waste licence, publish notice of the intention to make the application in a newspaper circulating in the district in which the activity is or will be carried on, in accordance with article 6 and

(b) not later than the making of the application in question, give notice of the application by the erection or fixing of a site notice on the facility or premises concerned, in accordance with article 7.

REG 6

Notices in newspapers

6. A notice published in a newspaper pursuant to article 5 shall contain as a heading the words "APPLICATION TO THE ENVIRONMENTAL PROTECTION AGENCY FOR A WASTE LICENCE" or "APPLICATION TO THE ENVIRONMENTAL PROTECTION AGENCY FOR THE REVIEW OF A WASTE LICENCE", as the case may be, and shall—

(a) give the name and address of the applicant,

(b) state the location or postal address (including, where appropriate, the name of the townland or townlands) and the National Grid reference of the facility or premises to which the application relates,

(c) specify the class or classes of activity concerned, in accordance with the Third and Fourth Schedules of the Act and, in the case of two or more activities, identify the principal activity,

(d) where the application is required to be accompanied by an environmental impact statement in accordance with Part III, state that such a statement will be submitted to the Agency with the application,

(e) state that a copy of

(i) the application for a waste licence or for the review of a waste licence, as the case may be,

(ii) the environmental impact statement (where the application is required to be accompanied by such statement in accordance with Part III), and

(iii) such further information relating to the application as may be

furnished to the Agency in the course of the Agency's consideration of the application, will, as soon as is practicable after receipt by the Agency, be available for inspection or purchase, at the headquarters of the Agency and, where the applicant is a local authority, at the principal office of the said authority.

REG 7

Site notices

7. (1) A site notice erected or fixed on any facility or premises pursuant to article 5 shall—

(a) be painted or inscribed, or printed and affixed, on a durable material,

(b) be securely erected or fixed in a conspicuous position—

(i) on or near the main entrance to the facility or premises from a public road, or

(ii) on any other part of the facility or premises adjoining a public road,

and shall be so erected or fixed and the text shall be so painted, inscribed or printed that the notice shall be capable of being read by persons using the said public road.

(2) Where the facility or premises to which an application for a waste licence or for the review of a waste licence relates does not adjoin a public road, a site notice shall be erected or fixed in a conspicuous position on the facility or premises so as to be easily visible and legible by persons outside the facility or premises.

(3) A site notice erected or fixed on any facility or premises pursuant to article 5 shall be headed "APPLICATION TO THE ENVIRONMENTAL PROTECTION AGENCY FOR A WASTE LICENCE" or "APPLICATION TO THE ENVIRONMENTAL PROTECTION AGENCY FOR THE REVIEW OF A WASTE LICENCE", as the case may be, and shall—

(a) indicate the site location or proposed location of the activity, and

(b) comply with the requirements specified in paragraphs (a), (c), (d) and (e) of article 6.

(4) A site notice erected or fixed on any facility or premises pursuant to article 5 shall be maintained in position where erected or fixed or at least one month after the making of the relevant application, and shall be renewed or replaced if it is removed or becomes defaced or illegible within the period during which it is required to be displayed.

REG 8

Further notice

8. Where—

(a) a period of more than two weeks has elapsed between the publication in a newspaper of a notice in accordance with article 5 and the making of the relevant application, or

(b) it appears to the Agency that any notice published or given in pursuance of article 5—

(i) if published in a newspaper, does not comply with the provisions of article 6, or

(ii) if erected or fixed on any facility or premises, does not comply with the provisions of article 7, or
(iii) is, because of its content or for any other reason, misleading or inadequate for the information of the public, the Agency shall require the applicant to publish, erect or fix such further notice in such manner, whether in a newspaper or otherwise, for such period and in such terms as it may specify and to submit to it such evidence as it may specify in relation to compliance with any such requirement.

REG 9

Notice to the relevant planning authority

9. (1) An applicant, not being the local authority in whose functional area the facility or premises to which the relevant application relates is located, shall give written notice of the said application to the relevant planning authority.
(2) A notice required to be given to a planning authority under sub-article (1) shall contain the information specified in article 6.

REG 10

Notice by the Agency of intention to review a waste licence

10. (1) Where the Agency proposes to review a waste licence under section 46 of the Act, it shall publish a notice of such intention in a newspaper circulating in the district in which the activity, the subject matter of the licence, is carried on.
(2) A notice given under section 42 (1) (b) of the Act or published in accordance with sub-article (1) shall indicate the reference number given to the waste licence in the register established by the Agency under section 19 of the Act, and state the reason for the proposed review.
(3) A notice given under section 42 (1) (b) of the Act to a licensee—
(a) may require the licensee to furnish such submissions, plans, documents and other information and particulars as the Agency considers necessary for the purpose of the proposed review, and
(b) shall indicate that a submission relating to the proposed review may be made in writing to the Agency within one month of the date of the giving of the notice, and the Agency shall not give notice of a proposed decision under section 42 (2) of the Act before the expiry of the said period.

PART III

APPLICATION FOR A WASTE LICENCE OR THE REVIEW OF A WASTE LICENCE

REG 11

Making of an application to the Agency

11. An application shall be submitted to the principal office of the Agency.

REG 12

Contents of an application for a waste licence or the review of a waste licence

12. (1) In the case of an application for a waste licence, the application shall—

- (a) give the name, address and, where applicable, any telephone number and telefax number of the applicant and, if different, any address to which correspondence relating to the application should be sent and, if the applicant is a body corporate, the address of its registered or principal office,
- (b) give the name of the planning authority in whose functional area the relevant activity is or will be carried on,
- (c) in the case of a discharge of any trade effluent or other matter (other than domestic sewage or storm water) to a sewer of a sanitary authority, give the name of the sanitary authority in which the sewer is vested or by which it is controlled,
- (d) give the location or postal address (including where appropriate, the name of the townland or townlands) and the National Grid reference of the facility or premises to which the application relates,
- (e) describe the nature of the facility or premises concerned including, in the case of an application in respect of the landfill of waste, the geological and hydrogeological nature of the land,
- (f) specify the class or classes of activity concerned, in accordance with the Third and Fourth Schedules of the Act,
- (g) specify the quantity and nature of the waste or wastes which will be recovered or disposed of,
- (h) specify the raw and ancillary materials, substances, preparations, fuels and energy which will be utilised in or produced by the activity,
- (i) describe the plant, methods, processes and operating procedures for the activity,
- (j) provide information for the purpose of enabling the Agency to make a determination in relation to the matters specified in paragraphs (a) to (d) of section 40 (4) of the Act,
- (k) give particulars of the source, location, nature, composition, quantity, level and rate of emissions arising from the activity and, where relevant, the period or periods during which such emissions are made or are to be made,
- (l) give details, and an assessment of the effects, of any existing or proposed emissions on the environment, including any environmental medium other than that into which the emissions are to be made,

- (m) identify monitoring and sampling points and indicate proposed arrangements for the monitoring of emissions and the environmental consequences of any such emissions,
 - (n) describe any proposed arrangements for the offside treatment or disposal of solid or liquid wastes,
 - (o) describe the existing or proposed measures, including emergency procedures, to prevent unauthorised or unexpected emissions and minimise the impact on the environment of any such emissions,
 - (p) describe the proposed measures for the closure, restoration, remediation or aftercare of the facility concerned, after the cessation of the activity in question,
 - (q) give a non-technical summary of information provided in relation to the matters specified in paragraphs (e) to (b) of this subsection,
 - (r) state whether the activity is for the purposes of an industrial activity or isolated storage to which Regulations 12 to 18 of the European Communities (Major Accident Hazards of Certain Industrial Activities) Regulations, 1986 (S.I. No. 292 of 1986), as amended by the European Communities (Major Accident Hazards of Certain Industrial Activities) (Amendment) Regulations, 1989 (S.I. No. 194 of 1989) and the European Communities (Major Accident Hazards of Certain Industrial Activities) (Amendment) Regulations, 1992 (S.I. No. 21 of 1992), apply.
- (2) In the case of an application for the review of a waste licence, the application shall state the grounds on which it is made.
- (3) Without prejudice to article 13 (1), an application shall be accompanied by—
- (a) a copy of the relevant page of the newspaper in which the notice in accordance with article 6 has been published,
 - (b) a copy of the text of the notice erected or fixed in accordance with article 7,
 - (c) where appropriate, a copy of a notice given to a local authority under article 9,
 - (d) a copy of such plans, including a site plan and location map, and such other particulars, reports and supporting documentation as are necessary to identify and describe, as appropriate—
 - (i) the position of the notice in accordance with article 7,
 - (ii) the point or points from which emissions are made or are to be made, and
 - (iii) the point or points at which monitoring and sampling are or are to be undertaken,
 - (e) such fee as is appropriate having regard to the provisions of articles 41 and 42.
- (4) (a) An application shall be accompanied by five copies of the application and of all accompanying documents and particulars as required under sub-article (3).
- (b) For the purpose of paragraph (a), all or part of the five copies of the said application and associated documents and particulars may, with the agreement of the Agency, be submitted in a computer or other non-legible format specified by the Agency.

REG 13

Certain applications to be accompanied by an environmental impact statement or to comply with other requirements where exemption has been granted

13. (1) Where development is proposed to be carried out, being development which comprises or is for the purposes of a waste or waste recovery disposal activity, and is of a class for the time being specified under article 24 of the Environmental Impact Assessment Regulations, an application in respect of the relevant activity shall, in addition to the matters prescribed in article 12, be accompanied by 15 copies of an environmental impact statement prepared in respect of the said development.

(2) Sub-article (1) shall not apply where the provisions of an order made under section 54 (7) of the Act or section 25 (3) (inserted by the Environmental Impact Assessment Regulations) of the Act of 1963 apply.

(3) An environmental impact statement submitted to the Agency in accordance with sub-article (1) shall comply with article 25 of the Environmental Impact Assessment Regulations.

(4) Where the Minister, in granting an exemption under section 54 (7) of the Act or section 25 (3) (inserted by the Environmental Impact Assessment Regulations) of the Act of 1963 in respect of development comprising or for the purposes of a waste recovery or waste disposal activity, has applied other requirements in relation to the risk of environmental pollution from the activity, an application in respect of the said activity shall comply with the said requirements applied by the Minister.

(5) Notwithstanding the requirements of sub-article (1), all or part of 14 copies of the environmental impact statement may, with the agreement of the Agency, be submitted in a computer or other non-legible format specified by the Agency.

REG 14

Procedure on receipt of an application

14. (1) On receipt of an application, the Agency shall—

(a) stamp the application with the date of receipt, and
(b) examine whether the requirements of articles 12 and 13 (1) have been complied with.

(2) (a) Where the Agency considers that the requirements of articles 12 and 13 (1) have been complied with in respect of an application, it shall send to the applicant an acknowledgement of receipt of the application.

(b) Where the Agency considers that any of the requirements of articles 12 and 13 (1) have not been complied with in respect of an application, it shall, as it considers appropriate having regard to the extent of the failure to comply with the said requirements, by notice in writing—

(i) inform the applicant of such failure of compliance and that the application cannot be considered by the Agency, or

(ii) require the applicant, within such period as may be specified

by the Agency, to take such steps or furnish such submissions, plans, documents or other information and particulars, as the Agency considers are necessary for compliance with the said requirements.

(3) Where the Agency gives a notice in accordance with sub-article (2) (b) (i), it shall return to the applicant all copies of the application and associated documents and particulars, other than one copy of any environmental impact statement submitted in accordance with article 13.

PART IV

CONSIDERATION OF APPLICATIONS AND REVIEWS

REG 15

Submissions to the Agency regarding applications

15. For the purpose of section 40 (2) (b) (ii) of the Act, a person may, within a period of one month following the making available for inspection by the Agency, in accordance with article 19, of—

(i) an application, and

(ii) such plans, documents and other information and particulars, including an environmental impact statement, as are submitted with the application in accordance with articles 12, 13 and 16, make a written submission to the Agency in relation to the said items, and the Agency shall not give notice of a proposed decision under section 42 (2) of the Act before the expiry of the said period.

REG 16

Further information

16. (1) Where the Agency receives an application, it may, by notice in writing, require the applicant—

(a) to furnish such further information or particulars relating to the application as it considers necessary to enable it make a decision in respect of the application, or

(b) to produce such evidence as it may reasonably require in order to verify any information or particulars furnished by the applicant in, or in relation to, the application.

(2) Where further information in respect of an application to which article 13 (1) relates is received by the Agency pursuant to a requirement under sub-article (1) and the Agency considers that such information contains significant additional data in relation to the effects on the environment of development which comprises or is for the purposes of the waste recovery or disposal activity to which the application relates, the Agency shall—

(a) require the applicant to publish in a newspaper circulating in the district in which the said activity is or would be carried on, a notice, in such form as may be specified by the Agency stating that, further information in relation to the effects on the environment of the proposed development has been furnished to the Agency, and

(b) send a copy of such information to each authority, person or body to which it gives or has given a notice under article 18

(1).

(3) Where the Agency has given a notice, under section 42 (1) (b) of the Act to a licensee, it may, by further notice in writing, require the licensee—

(a) to submit such further information or particulars as it considers necessary to enable it to complete the review, or

(b) to produce such evidence as it may reasonably require to verify any information or particulars furnished by the licensee in response to such notice or further notice.

(4) Where there is a failure or refusal to comply with a requirement under the foregoing sub-articles within one month of the date of notice of such requirement, the Agency may, if it thinks fit, proceed with its consideration of the application or the review, as the case may be, and to give a notification under section 42 (2) of the Act in the absence of the information, particulars or evidence specified in the requirement.

REG 17

Impart on the environment in another Member State

17. (1) Where the Agency receives an application, other than an application in respect of which a notice in accordance with article 14 (2) (b) (i) has been or will be given, and it appears to the Agency that the activity, the subject of the application—

(i) would or is likely to have a significant impact on the environment in another Member State, or

(ii) would or may give rise to the direct or indirect discharge into transfrontier groundwater of substances specified in the Annex to Council Directive 80/68/EEC(1),

(1) Council Directive 80/68/EEC of 17 December, 1979 on the protection of groundwater against pollution caused by certain dangerous substances.

the Agency shall, as soon as may be after receipt of the said application, notify the appropriate competent authority in the Member State concerned.

(2) The Agency shall notify the Minister of any notice given in accordance with sub-article (1) or any request to which sub-article (4) relates.

(3) A notice given in accordance with sub-article (1) shall be accompanied by a copy of the relevant application and of all accompanying documents and particulars, including any environmental impact statement received by the Agency in accordance with the provisions of Part III, and shall as a minimum indicate—

(a) the reference number given to the application or relevant licence in the register,

(b) the name and address of the applicant or licensee,

(c) the location or postal address (including where appropriate, the name of the relevant townland or townlands) and the National Grid reference of the facility or premises to which the application relates,

(d) the class or classes of activity concerned in accordance with the Third and Fourth Schedule to the Act,

(e) the date of receipt of the application,

(f) where relevant, the name of the planning authority to which a copy of the environmental impact statement has been, or will be

submitted,

(g) that the notification is for the purpose of giving effect to Articles 17 of Council Directive 80/68/EEC(1), Article 7 of Council Directive 85/337/EEC(2) and/or Article 17 of Council Directive 96/61/EC(3), as the case may be,

(1) Council Directive 80/68/EEC of 17 December, 1979 on the protection of groundwater against pollution caused by certain dangerous substances.

(2) Council Directive 85/337/EEC of 27 June, 1985 on the assessment of the effects of certain public and private projects on the environment.

(3) Council Directive 96/61/EC of 24 September, 1996 concerning integrated pollution prevention and control.

(h) the nature of the relevant discharge to transfrontier groundwater or other impacts on the environment of the Member State concerned, as the case may be, and

(i) that the competent authority concerned may, within a period of four weeks from the date of such notice, make a written submission to the Agency or request consultations with the Agency in relation to the proposed activity.

(4) Upon request by the competent authority in a Member State, the environment of which would or is likely to be significantly affected by an activity which is the subject of an application under this Part, the Agency shall, as soon as may be, forward to the said authority the material specified in sub-article (3).

(5) (a) The Agency, before it gives notice of a proposed decision under section 42 (2) of the Act in respect of an application to which sub-article (1) applies—

(i) shall comply with any reasonable request for consultations in relation to the said application which is received from a relevant competent authority within the period specified in sub-article (3) (i), and

(ii) may have regard to any written submission from the competent authority concerned arising directly from such consultations.

(b) The Commission of the European Communities may participate in any consultations arising under paragraph (a).

REG 18

Notice to certain public authorities and bodies

18. (1) Where the Agency receives an application, other than an application in respect of which a notice in accordance with article 14 (2) (b) (i) has been or will be given, or has given a notice of intention to review a waste licence under section 42 (1) (b) of the Act, it shall notify—

(a) the Minister for Arts, Culture and the Gaeltacht,

(b) the Minister for the Marine,

(c) the Central Fisheries Board,

(d) An Taisce - the National Trust for Ireland,

(e) the local authority in whose functional area the activity is or will be situate, where the said authority is not the applicant,

(f) in the case of a discharge to which section 97 of the Act of 1992 relates, the relevant sanitary authority, where the said authority is not the applicant,

(g) the relevant health board,

- (h) the National Authority for Occupational Safety and Health,
 - (i) Bord Fáilte,
 - (j) Teasgasc,
 - (k) in the case of an activity any part of which is situated within the functional area of the Shannon Free Airport Development Company Limited, that company, and
 - (l) such other public authorities, persons or bodies, if any, as the Agency considers necessary having regard to the nature and extent of the activity to which the application or review refers.
- (2) A notice given in accordance with sub-article (1) shall as a minimum indicate—
- (a) the reference number given to the application or relevant licence in the register,
 - (b) the name and address of the applicant or licensee, as the case may be,
 - (c) the location or postal address (including where appropriate, the name of the relevant townland or townlands) and the National Grid reference of the facility or premises to which the application relates, and
 - (d) the class or classes of activity concerned in accordance with the Third and Fourth Schedule to the Act.
- (3) Where an environmental impact statement is received by the Agency in accordance with the provisions of Part III, the Agency shall send a copy of the statement to each authority, person or body to which it gives or has given a notice under sub-article (1) and indicate, where relevant, the name of the planning authority to which the environmental impact statement has been, or will be, submitted.

REG 19

Availability and inspection of documents

19. (1) The Agency shall make the documents or other items specified in sub-article (2) available for public inspection during office hours at the headquarters of the Agency from as soon as may be after receipt of the documents or other items or the giving of notice as the case may be, for a period of three years following the day on which a decision is made by the Agency on the relevant application or review, as the case may be.
- (2) The following are specified for the purposes of sub-article (1)—
- (a) an application,
 - (b) a notice given to a licensee under section 42 (1) (b) of the Act,
 - (c) such other notices as are given by the Agency under Part V of the Act or under these Regulations in respect of an application or review, and
 - (d) such submissions, plans, documents and other information and particulars, including an environmental impact statement, and such evidence and objections as are received or obtained by the Agency from an applicant, licensee or any other person in accordance with Part V of the Act or in accordance with these Regulations in respect of an application or review.
- (3) In the case of an application by a local authority or the review by the Agency of a waste licence granted to a local authority, the said authority shall make the documents or other

items specified in sub-article (4) available for public inspection during office hours at the principal office of the authority, from as soon as may be after they have been submitted to or received from the Agency, as the case may be. for a period of not less than two months after the date on which the Agency has given its decision on the relevant application or review, as the case may be.

(4) The following are specified for the purposes of sub-article (3)—

(a) the application,

(b) a notice under section 42 (1) (b) of the Act in respect of a licence which has been granted to the local authority,

(c) such other notices as are received from the Agency under Part V of the Act or under these Regulations in respect of the application or review, and

(d) such submissions, plans, documents and other information and particulars, including an environmental impact statement, and such evidence and objections as are submitted by the local authority to the Agency in accordance with Part V of the Act or in accordance with these Regulations.

(5) During the relevant period specified in sub-articles (1) and (3), a copy of the documents specified in those sub-articles, or any extract therefrom, shall be made available on request during office hours at the headquarters of the Agency or the principle office of the local authority, as the case may be, for purchase at such charge (if any), not exceeding the reasonable cost of making such copies, as the Agency or local authority may determine.

(6) A copy of any written report prepared by or for the Agency for the purpose of making a decision in respect of an application or in consequence of a review of a waste licence, including any written report made under section 44 (3) of the Act, or any extract therefrom (but excluding internal communications of the Agency), shall be made available on request during office hours at the headquarters of the Agency, for inspection, or for purchase at such charge (if any), not exceeding the reasonable cost of making such copies, as the Agency may determine, for a period of three years following the day on which the agency decides to grant or refuse to grant the relevant waste licence in accordance with section 40 (1) of the Act.

(7) An applicant or licensee, as the case may be, shall comply with any reasonable request from the Agency for such further number of copies as the Agency may specify of—

(i) the relevant application and all accompanying documents and particulars, including an environmental impact assessment, or

(ii) such documents or particulars as may have been provided to the Agency by the licensee in relation to a review to which section 42 (1) (b) of the Act refers.

REG 20

Investigations concerning discharges to groundwater

20. It is hereby prescribed for the purpose of section 40 (2) (a) of the Act that, where the Agency receives an application, in respect of which a notice in accordance with article 14 (2) (b)

(i) has been or will be given, and it appears to the Agency that the activity, the subject of the application, could give rise to—

(a) the indirect discharge into groundwater of a substance for

the time being specified in List I of the Annex to Council Directive 80/68/EEC,(1) or
(1) Council Directive 80/68/EEC of 17 December, 1979 on the protection of groundwater against pollution caused by certain dangerous substances.

(b) the direct or indirect discharge into groundwater of a substance for the time being specified in List II of the said Annex,
the Agency shall, before it gives notice of a proposed decision under section 42 (2) of the Act in respect of the said application, carry out or cause to be carried out (by the applicant or otherwise) such investigations as it considers necessary in order to comply with the relevant requirements of articles 4, 5 and 7 of the aforesaid Directive.

REG 21

Matters in an environmental impact statement to which the Agency shall have regard in certain cases

21. The Agency shall have regard to the matters mentioned in an environmental impact statement in respect of development which was certified by the Minister under Part IX of the Planning and Development Regulations only in so far as they relate to the risk of environmental pollution from the activity in question.

REG 22

Defrayal or contribution towards costs of investigations

22. (1) The Agency may, by notice in writing, require an applicant or licensee, as the case may be, to defray or contribute towards the cost of any investigations carried out or caused to be carried out by the Agency so as to enable it properly to decide on an application or the review of a waste licence which was proposed by the Agency.

(2) The amount of any payment required under sub-article (1), taken together with such fee as may be payable under Part VII in respect of the relevant application or review, shall not exceed the costs incurred by the Agency in deciding on the said application or review.

(3) An applicant or licensee shall comply with any requirement of a notice under sub-article (1) within such period, being a period of not less than three weeks, as may be specified in the said notice.

REG 23

Withdrawal or abandonment of an application

23. (1) An application or a submission may be withdrawn at any time before the making of the decision of the Agency on the application.

(2) Where the Agency is of the opinion that an application has been abandoned, it may give to the applicant a notice stating that fact and requiring that person, within a period specified in the notice (being a period of not less than fourteen or not more than twenty-eight days beginning on the date of the giving of the notice), to make to the Agency a submission in writing as to why

the application should not be regarded as having been withdrawn.

(3) Where a notice has been given under sub-article (2), the Agency may, at any time after the expiration of the period specified in the notice, and after considering the submission (if any) made to the Agency pursuant to the notice, declare that the application to which the notice relates shall be regarded as having been withdrawn.

(4) Where pursuant to this article the Agency declares that an application is to be regarded as having been withdrawn, any objection in relation to the application shall not be further considered by the Agency.

REG 24

Notification of proposed determination of applications

24. (1) The following persons are hereby prescribed for the purpose of Section 42 (2) (d) of the Act-

(a) in the case of an application in respect of which notice has been given under article 17, the relevant competent authority and the Minister,

(b) in the case of an application or review in respect of which notice has been given under article 18 (1), each public authority, person or body so notified.

(2) Every notification given under section 42 (2) of the Act shall, in addition to the matters specified in that subsection, specify—

(a) the reference number given to the application or the licence in the register,

(b) the activity to which the proposed decision relates,

(c) the day of the giving of the notification,

(d) where it is proposed to grant a waste licence, the conditions, if any, to be attached and the reasons therefor and where a copy of the proposed licence may be obtained,

(e) where it is proposed to refuse to grant a waste licence, the reasons for such refusal,

(f) that an objection against the proposed decision may be made to the Agency in accordance with section 42 of the Act,

(g) that where no objection is made, or where an objection or objections is or are made and the said objection or objections is or are withdrawn, the decision of the Agency shall be in accordance with the proposed decision and shall be issued as soon as may be after the expiration of the appropriate period.

PART V

OBJECTIONS AND ORAL HEARINGS

REG 25

Circulation of objections

25. (1) The Agency shall, as soon as may be after receipt of an objection—

(i) acknowledge such receipt, and

(ii) give a copy thereof to any other party (if any such) to the objection.

(2) Any other party (if any such) to the objection may make a

submission in writing to the Agency in relation to the objection within a period of one month beginning on the day on which a copy of the objection is sent to that party by the Agency.

(3) Any submission received by the Agency under sub-article (2) after the expiration of the period specified in that sub-article shall not be considered by the Agency.

(4) Where no submission is received from a party to an objection within the period specified in sub-article (2), the Agency may without further notice to that party consider the objection.

REG 26

Power of Agency to request a further submission by an objector

26. Where the Agency is of the opinion that, in the particular circumstances of an objection, it is appropriate in the interests of justice to enable the objector to make a further submission in relation to any matter which has arisen in relation to the objection, the Agency may, in its discretion and notwithstanding section 42 (7) of the Act, give a notice under this article—

(a) requesting that objector, within a period specified in the notice (not being less than fourteen or more than twenty-eight days beginning on the date of the giving of the notice) to make to the Agency a submission in writing in relation to the matter in question, and

(b) stating that, if a submission in writing is not received before the expiration of the period specified in the notice, the Agency will, after the expiration of that period and without further notice to the objector, proceed with its consideration of the objection and make a decision in respect of the application or in consequence of the review in question, as the case may be.

REG 27

Power of Agency to request submission by an objector of documents, particulars or information

27. Where the Agency is of the opinion that any document, particulars or other information is or are necessary for the purposes of enabling it to consider an objection, the Agency may give to any party to the objection a notice under this article—

(a) requiring that party, within a period specified in the notice (being a period of not less than fourteen days beginning on the date of the giving of the notice) to submit to the Agency such document, particulars or other information as may be specified in the notice, and

(b) stating that, in default of compliance with the requirements of the notice, the Agency will, after the expiration of the period so specified and without further notice to the party, make a decision in respect of the application or in consequence of the review in question, as the case may be.

REG 28

Withdrawal or abandonment of an objection

28. (1) Where the Agency is of the opinion that an objection has been abandoned, it may give to the party who made the objection a notice stating that fact and requiring that party, within a period specified in the notice (being a period of not less than fourteen or more than twenty-eight days beginning on the date of the giving of the notice) to make to the Agency a submission in writing as to why the objection should not be regarded as having been withdrawn.

(2) Where a notice has been given under sub-article (1), the Agency may, at any time after the expiration of the period specified in the notice, and after considering the submission (if any) made to the Agency pursuant to the notice, declare that the objection to which the notice relates shall be regarded as having been withdrawn.

REG 29

Notification of oral hearing

29. (1) Any objector in relation to a proposed decision of the Agency, other than a person who requested an oral hearing, shall be a prescribed person for the purpose of section 42 (11) (a) (iv) of the Act.

(2) A request for an oral hearing may be withdrawn at any time.

(3) Where the Agency decides to hold an oral hearing of an objection, it shall give, for the purpose of section 42 (11) of the Act, not less than seven days notice of the time and place of the opening of the oral hearing or such shorter notice as may be accepted by all persons required to be notified in accordance with that section.

(4) The Agency may, at any time before the opening of an oral hearing, alter the time or place of the opening of the hearing and, in the event of such alteration, the Agency shall give the persons notified in accordance with section 42 (11) of the Act not less than seven days notice of the new time and place or such shorter notice as may be accepted by all such persons.

REG 30

Procedure at oral hearing

30. (1) It is hereby prescribed that a person appointed by the Agency to conduct an oral hearing shall, by virtue of such appointment, be an authorised person for the purposes of the Act.

(2) A person appointed to conduct an oral hearing shall—

(a) permit any party to the objection, the local authority in whose functional area the relevant activity is or will be carried on, or such employee of the Agency as the Agency may decide, to appear in person or to be represented by another person, and

(b) decide the order of appearance of persons to be heard.

(3) Where the Agency has given notice in accordance with article 34 (2) of its intention to take into account matters other than those

raised by the parties to the objection, the parties shall be permitted, if present, to make submissions in relation to the said matters to the person conducting an oral hearing.

REG 31

Power to require attendance at oral hearings

31. (1) Subject to sub-article (2), the person appointed to conduct an oral hearing may, by giving notice in that behalf in writing to any party to the objection, such employee of the Agency as the Agency may decide, or the local authority in whose functional area the relevant activity is or will be carried on, require that party, employee or authority to attend at such time and place as is specified in the notice and to produce any documents, particulars, or other information in his, her or its possession, custody or control, to which the notice relates.

(2) The following provisions shall have effect for the purposes of sub-article (1)—

(a) it shall not be necessary for a person to attend in compliance with a notice at a place more than ten miles from the person's ordinary place of residence unless such sum as will cover the reasonable and necessary expenses of the attendance has been paid or tendered to that person,

(b) the Agency shall pay or tender to any person whose attendance is required such sum as the Agency, following consultation with the person appointed to conduct the oral hearing, considers will cover the reasonable and necessary expenses of the attendance,

(c) any person who in compliance with a notice has attended at any place shall, save in so far as the reasonable and necessary expenses of the attendance have already been paid to that person, be paid those expenses by the Agency, and those expenses, save as aforesaid, shall, in default of being so paid, be recoverable as a simple contract debt in any court of competent jurisdiction.

(3) A person to whom a notice under sub-article (1) has been given shall not refuse or wilfully neglect to attend in accordance with the notice or shall not wilfully alter, suppress, conceal or destroy any documents, particulars or other information to which the notice relates or, having so attended, shall not refuse or wilfully fail to produce any documents, particulars or other information to which the notice relates.

(4) A person appointed to conduct an oral hearing may require an officer of a local authority, sanitary authority or planning authority concerned to provide any information which that person reasonably requires for the purpose of the hearing, and it shall be the duty of the officer concerned to comply with the requirement.

REG 32

Adjournment or reopening of an oral hearing

32. (1) Subject to sub-articles (2) and (3), the person appointed to conduct an oral hearing may—

(a) adjourn or resume the oral hearing,

(b) having obtained the consent of the Agency, reopen the hearing, or

(c) notwithstanding that any party to the objection has failed

to attend a hearing, proceed with the hearing.

(2) Notice of the time and place of the resumption of an oral hearing that has been adjourned indefinitely, or the reopening of an oral hearing, shall be given by the Agency to the persons first notified in accordance with section 42 (11) of the Act not less than seven days before the said time or such shorter period as may be accepted by all such persons.

(3) Unless the Agency considers it expedient to do so and so directs, an oral hearing shall not be reopened after the report thereon has been made to the Agency.

REG 33

Replacement of person appointed to hold an oral hearing

33. If, for any reason, the person appointed to conduct an oral hearing is unable or fails to conduct or complete the conduct of, an oral hearing or, for any reason, is unable or fails to furnish a written report on an oral hearing to the Agency, the Agency may appoint another person to conduct the oral hearing or to conduct a new oral hearing.

REG 34

Matters which may be taken into account by the Agency

34. (1) The Agency in considering an objection may take into account matters other than those raised by a party to the objection.

(2) The Agency shall give notice in writing to each party to the objection of the matters that it proposes to take into account under sub-article (1) and shall indicate in that notice—

(a) in a case where the Agency proposes to hold an oral hearing of the objection, or where an oral hearing of the objection has been concluded and is reopened in accordance with article 32, that submissions in relation to the said matters may be made to the person appointed to conduct the hearing, or

(b) in a case where the Agency does not propose to hold an oral hearing of the objection, or where an oral hearing of the objection has been concluded and the Agency does not propose to reopen the hearing, that submissions in relation to the said matters may be made to the Agency in writing within a period specified in the notice (being a period of not less than fourteen or more than twenty-eight days beginning on the date of the giving of the notice).

(3) Submissions as aforesaid that are received by the Agency after the expiration of the period referred to in sub-article (2) (b) shall not be considered by the Agency.

(4) Without prejudice to article 26, where a party to an objection makes a submission to the Agency in accordance with sub-article (2) (b), that party shall not be entitled to elaborate in writing upon that submission or to make further submissions in writing in relation to the matters referred to in sub-article (1) and any such elaboration or submissions that are received by the Agency shall not be considered by it.

REG 35

Period for consideration of an objection

35. (1) Where it appears to the Agency that it would not be possible or appropriate, because of the particular circumstances of an objection, to carry out the procedures for the consideration of an objection, whether or not an oral hearing is held, within four months beginning on the day after the expiration of the appropriate period, the Agency shall give notice in writing to each party to the objection of the reasons why it would not be possible or appropriate, as the case may be, to carry out such procedures and shall specify the date before which the Agency intends to carry out such procedures.

(2) Where a notice has been given under sub-article (1), the Agency shall take all such steps as are open to it to ensure that the procedures are carried out before the date specified in the notice.

REG 36

Notice of Agency's decision on an application

36. (1) The Agency shall notify each person specified in sections 42 (2) and 42 (11) of the Act and the public authorities, persons or bodies notified under article 18 of its decision on an application for a waste licence or on the review of a waste licence.

(2) A notification under sub-article (1) shall be accompanied by a copy of the decision referred to.

PART VI

CONDITIONS ATTACHED TO, AND REVIEW OF, A WASTE LICENCE

REG 37

Conditions necessary to give effect to certain provisions of Community acts

37. The Agency shall attach to any waste licence that may be granted by it such conditions as are, in the opinion of the Agency, necessary to give effect to the provisions, specified in column (1) of the Second Schedule, of the Community acts specified correspondingly in column (2) of the Schedule, in so far as such provisions are relevant to the waste recovery or disposal activity concerned.

REG 38

Conditions regarding gas control at a landfill facility

38. In attaching conditions to a waste licence that may be granted by the Agency in respect of the disposal of waste at a landfill facility, the Agency shall, as far as is practicable, require the installation of systems to facilitate the collection and recovery or

flaring of landfill gas.

REG 39

Conditions regarding the recovery or disposal of waste oil

39. For the purpose of the attachment by the Agency of conditions to a waste licence that may be granted by it in respect of the recovery or disposal of waste oils—

(a) article 11 of Council Directive 75/439/EEC(1) shall apply in respect of an activity disposing of more than 500 litres of waste oil per annum, and

(1)Council Directive 75/439/EEC on the disposal of waste oils, as amended by Council Directive 87/101/EEC.

(b) The Agency shall take such steps as are necessary for the purposes of compliance with Article 13.2 of the said Council Directive.

REG 40

Review of waste licence authorising discharges to groundwater

40. The Agency shall carry out, at least once every four years, a review of a waste licence which authorises the direct or indirect discharge of substances for the time being specified in the Annex to Council Directive 80/68/EEC(2).

(2)Council Directive 80/68/EEC of 17 December, 1979 on the protection of groundwater against pollution caused by certain dangerous substances.

PART VII

LICENSING FEES

REG 41

Fee for application for a waste licence

41. (1) A fee shall be paid to the Agency by an applicant in respect of an application for a waste licence.

(2) The fee payable under sub-article (1) shall be the amount indicated in column (3) of Part I of the Third Schedule opposite the relevant class of waste activity in column (1) of the said Part of the Schedule.

REG 42

Fee for application for review or surrender of waste licence

42. (1) A fee shall be paid to the Agency in respect of an application for a review of a waste licence, or an application under section 48 (2) of the Act for the surrender of a waste licence.

(2) The fee payable under sub-article (1) shall be the amount indicated in column (2) of Part I of the Third Schedule opposite the relevant class of waste activity in column (1) of the said Part of the Schedule.

REG 43

Fee for the making of objections

43. (1) A fee shall be paid to the Agency in respect of the making of an objection.

(2) Subject to sub-article (3), the fee payable under sub-article (1) shall be the amount indicated in column (3) of Part II of the Third Schedule opposite the appropriate mention of objection in column (2) of the said Part of the Schedule.

(3) Where an objection is made to the Agency by—

(a) a local authority,

(b) a planning authority,

(c) a sanitary authority,

(d) the Central Fisheries Board,

(e) an Taisce - The National Trust for Ireland,

(f) Bord Fáilte,

(g) in the case of an activity any part of which is situated within the functional area of the Shannon Free Airport Development Company Limited, that company, a reduced fee shall be payable in respect of the said objection, in accordance with sub-article (2).

REG 44

Fee for application for transfer of a waste licence

44. (1) A fee shall be paid to the Agency in respect of an application under section 47 (2) of the Act for the transfer of a waste licence.

(2) The fee payable under sub-article (1) shall be the amount indicated in column (3) of Part II of the Third Schedule opposite the appropriate mention of application in column (2) of the said Part of the Schedule.

REG 45

Free for request for an oral hearing

45. (1) A fee shall be paid to the Agency in respect of a request for an oral hearing of an objection.

(2) The fee payable under sub-article (1) shall be the amount indicated in column (3) of Part II of the Third Schedule opposite the mention of a request for an oral hearing in column (2) of the said Part of the Schedule.

REG 46

Discretionary power to refund or waive fee in certain circumstances

46. (1) Notwithstanding any other provision of these Regulations, the Agency shall have an absolute discretion to refund or waive up to half of the fee payable in respect of a particular application where it is satisfied that the payment in full of the fee would not be just and reasonable having regard to the relevant circumstances of the activity.

(2) A decision under sub-article (1) shall contain a statement specifying the reasons for the decision.

PART VIII

MISCELLANEOUS

REG 47

Prescribed offences for the purpose of section 40 (7) of the Act

47. For the purpose of section 40 (7) of the Act—

(a) a contravention of section 32 (1), 32 (3), or 39 (1) of the Act, or

(b) an offence under section 14 (6), 15 (3), 34 (1), 36 (3), 45 (4), 57 (4) or 58 (7) of the Act shall be a prescribed offence.

REG 48

Criteria for the determination by the Agency of a relevant person

48. In determining whether a person shall be a relevant person for the purpose of section 40 (7) of the Act, the Agency shall, where an applicant is a body corporate, have regard to whether the said person is a director, manager, secretary or other similar officer of that body corporate or is otherwise in or likely to be in a position to direct or control the carrying on of the activity to which the relevant application relates.

FIRST SCHEDULE

Prescribed dates for the purpose of Section 39(1) of the Act

Waste Activity

(1) Prescribed Date

(2) The disposal of waste at a landfill facility (other than an existing facility)

The disposal of hazardous waste (other than at an existing facility or a landfill facility)

The disposal of waste at a certified facility

The disposal of waste at a facility where the annual intake exceeds 25,000 tonnes (other than an existing facility, a landfill facility or a facility for the disposal of hazardous waste)

1 May, 1997

1 May, 1997

1 May, 1997 The disposal of waste at a landfill facility which is an existing facility (but is not a certified facility) where the annual intake exceeds 40,000 tonnes per annum

1 October, 1997 The disposal of waste at a landfill facility which is an existing facility (but is not a certified facility) where the annual intake exceeds 20,000 tonnes per annum but does not exceed 40,000 tonnes per annum

1 March, 1998 The disposal of waste at a landfill facility which is an existing facility where the annual intake does not

exceed 20,000 tonnes per annum other than such a landfill operated by or on behalf of a county council, a county borough corporation, a borough corporation or an urban district council

The disposal of waste at a facility which is an existing facility (but is not a landfill facility or a certified facility) with an annual intake greater than 25,000 tonnes

The disposal of hazardous waste at an existing facility (other than a landfill) 1 May, 1998

1 May, 1998

1 May, 1998 The disposal of waste at a landfill facility which is an existing facility (but is not a certified facility) operated by or on behalf of a county council, a county borough corporation, a borough corporation or an urban district council where the annual intake exceeds 5,000 tonnes per annum but does not exceed 20,000 tonnes per annum

1 October, 1998 The disposal of waste at a landfill facility which is an existing facility (but is not a certified facility) operated by or on behalf of a county council, a county borough corporation, a borough corporation or an urban district council where the annual intake does not exceed 5,000 tonnes per annum

SECOND SCHEDULE

Provisions of Community Acts which are to be given effect to in relevant waste licences granted by the Agency.

Relevant Provisions

(1) Community Act

(2) Articles 4, 7, 10, 11 and 12 Council Directive 75/439/EEC of 16 June, 1975 on the disposal of waste oils, as amended by Council Directive 87/101/EEC of 22 December, 1986. Articles 4, 5, 8, 9, 10 and 18 Council Directive 80/68/EEC of 17 December, 1979 on the protection of groundwater against pollution caused by certain dangerous substances. Article 8 Council Directive 87/217/EEC of 19 March, 1987 on the prevention and reduction of environmental pollution by asbestos. Articles 2.2 to 2.4 and 4.3 Council Directive 91/689/EEC of 12 December, 1991 on hazardous waste. Articles 3, 9 and 18.2 Council Directive 96/61/EC of 24 September, 1996 concerning integrated pollution prevention and control.

THIRD SCHEDULE

Part I

Fees payable to the Agency in respect of an application for a waste licence or the review of a waste licence, or for the surrender of a licence.

Waste Activity	Amount of fee for an application for a waste licence	Amount of fee for a review of a waste licence
(1) The disposal of waste at a landfill facility where the annual intake is likely to exceed 100,000 tonnes	£18,000	£13,000
(2) The disposal of waste at a landfill facility where the annual intake is likely to exceed 40,000 tonnes but be less than 100,000 tonnes	£16,000	£11,500
(3) The disposal of		

waste at a landfill facility where the annual intake is likely to exceed 20,000 tonnes but be less than 50,000 tonnes 13,000 10,000 The disposal of waste at a landfill facility where the annual intake is likely to exceed 5,000 tonnes but be less than 20,000 tonnes 10,000 8,000 The disposal of waste at a landfill facility where the annual intake is likely to be less than 5,000 tonnes 5,000 3,000 The disposal of hazardous waste (other than at a landfill facility) 16,000 11,500 The disposal of waste (other than hazardous waste) at a facility (other than a landfill facility) where the annual intake exceeds or is likely to exceed 100,000 tonnes 10,000 7,000 The disposal of waste (other than hazardous waste) at a facility (other than a landfill facility) where the annual intake is likely to exceed 25,000 tonnes but be less than 100,000 tonnes 6,000 4,500

PART II

Other fees payable to the Agency in relation to waste licences

(1)(2)(3)

Amount of fee

£ Article 43 Objection by the applicant or licensee

Objection by an authority or body mentioned in article 43(3)

Objection by any other person 250

50

150 Article 44 Application for transfer of a waste licence 2,000 Article

45 Request for an oral hearing 50

GIVEN under the Official Seal of the Minister for the Environment,
this 27th day of March, 1997.

BRENDAN HOWLIN,

Minister for the Environment.

EXPLANATORY NOTE.

These Regulations provide for the commencement and operation of the system of licensing by the Environmental Protection Agency of waste disposal activities under the Waste Management Act, 1996. The Regulations set out procedures for the making of licence applications, reviews of licences and consideration by the Agency of objections, including the holding of oral hearings.

The Regulations also prescribe the day on or after which specified classes of waste disposal activity require a waste licence in accordance with section 39(1) of the Act.