

S.I. No. 460 of 1998.

ENVIRONMENTAL PROTECTION AGENCY ACT, 1992 (ESTABLISHED ACTIVITIES) ORDER, 1998

In exercise of the powers conferred on the Minister for the Environment and Local Government by sections 7 of the Environmental Protection Agency Act, 1992 (No. 7 of 1992), which said powers are delegated to me by the Environment and Local Government (Delegation of Ministerial Functions) (No. 2) Order, 1997 (S.I. No. 428 of 1997), I, Dan Wallace, Minister for State at the Department of the Environment and Local Government, hereby order as follows:

1. This Order may be cited as the Environmental Protection Agency Act, 1992 (Established Activities) Order, 1998.

2. This Order shall come into operation on the 8th day of December, 1998.

3. In this Order—

any reference to a Schedule or article which is not otherwise identified is a reference to the Schedule or an article of this Order;

"the Act" means the Environmental Protection Agency Act, 1992.

4. Subject to articles 5 and 6, the date specified in column (3) of the Schedule opposite a class of established activity identified in column (2)

(a) shall be the specified date for such activity for the purposes of section 82(2) of the Act,

(b) shall be the date on, or after which, such activity shall not be carried on unless a licence or revised licence under Part IV of the Act is in force, and

(c) shall apply to such activity and to any other established activity which is associated with such activity and on, at or adjacent to the site.

5. Notwithstanding article 4, and without prejudice to section 92 of the Act, the date specified in relation to a class of established activity shall be the date on which an application for a licence is made under Part IV of the Act in relation to any activity on, at, or adjacent to the site of the established activity and associated with the established activity, where such date of application is earlier than the date specified.

6. Notwithstanding article 4 and without prejudice to section 92 of the Act, the date specified in relation to a class of established activity shall be—

(a) (i) the date (being a date on or after the commencement of this Order) on which an application for a licence or revised licence or permit or revised permit under any of the enactments to which section 99(1) of the Act relates is made to a local authority, sanitary authority or the Minister for the Marine and Natural Resources, or

(ii) the date (being a date on or after the commencement of this Order) on which a review of a licence or revised licence or permit or revised permit under any of the enactments to which section 99(1) of the Act relates is commenced by the local authority, sanitary authority or the Minister for the Marine and Natural Resources

where such date is earlier than the relevant date specified, or

(b) the 8th day of December, 1998, where, on that date, there is an application for a licence or revised licence, or permit or revised permit, or a review of a licence or revised licence or permit or revised permit, under any of the enactments to which section 99(1) of the Act relates, and the application or review has yet to be determined by the local authority, sanitary authority or the Minister for the Marine and Natural Resources.

SCHEDULE

REFERENCE NUMBER OF ACTIVITY IN THE FIRST SCHEDULE TO THE ACT CLASS OF
ESTABLISHED ACTIVITY SPECIFIED DATE

(1)

(2)

(3)

1.1 The extraction, production and processing of raw asbestos.

10 June, 1999

1.2 The extraction of aluminium oxide from an ore.

10 June, 1999

1.4 The extraction of peat in the course of business which involves an area exceeding 50 hectares.

10 June, 1999

3.1 The initial melting or production of iron or steel.

10 June, 1999

3.2 The processing of iron and steel in forges, drawing plants and rolling mills where the production area exceeds 500 square metres.

10 June, 1999

1.3 The extraction and processing (including size reduction, grading and heating) of minerals within the meaning of the Minerals Development Acts, 1940 to 1979, where an activity involves -

1 September, 1999

a) a metalliferous operation, or

b) any other operation where either the level of extracted/processed minerals is greater than 200,000 tonnes per annum or the total quarry/mine yield is greater than 1,000,000 tonnes,

and storage of related mineral waste.

3.3 The production, recovery, processing or use of ferrous metals in foundries having melting installations with a total capacity exceeding 5 tonnes.

1 September, 1999

3.8 The pressing, drawing and stamping of large castings where the production area exceeds 500 square metres.

1 September, 1999

6.2 The rearing of pigs in installations, whether within the same complex or within 100 metres of that complex, where the capacity exceeds 6,000 units but is not more than 7,000 units and where units have the following equivalents -

1 September, 1999

1 pig = 1 unit

1 sow = 10 units.

4.1 The processing of asbestos and the manufacture and processing of asbestos-based products.

1 December, 1999

4.4 The production of industrial diamonds.

1 December, 1999

13.4 The manufacture of coarse ceramics including refractory bricks, stoneware pipes, facing and floor bricks and roof tiles.

1 December, 1999

REFERENCE NUMBER OF ACTIVITY IN THE FIRST SCHEDULE TO THE ACT CLASS OF
ESTABLISHED ACTIVITY SPECIFIED DATE

(1)

(2)

(3)

6.2 6.2 The rearing of pigs in installations, whether within the same complex or within 100 metres of that complex, where the capacity exceeds 5,000 units but is not more than 6,000 units and where units have the following equivalents -

4 April, 2000

1 pig = 1 unit

1 sow = 10 units.

2.1

The use of gas for the production of energy in combustion plant the rated thermal input of which is equal to or greater than 50MW other than any such plant which makes direct use of the products of combustion in a manufacturing process.

5 September, 2000

2.2 The burning of gas in a boiler or furnace with a nominal heat output exceeding 50MW.

5 September, 2000

6.2 The rearing of pigs in installations, whether within the same complex or within 100 metres of that complex, where the capacity exceeds 4,000 units but is not more than 5,000 units and where units have the following equivalents -

5 September, 2000

1 pig = 1 unit

1 sow = 10 units.

2.1 The use of coal or oil for the production of energy in combustion plant the rated thermal input of which is equal to or greater than 50MW other than any such plant which makes direct use of the products of combustion in a manufacturing process.

2 March, 2001

2.2 The burning of coal or oil in a boiler or furnace with a nominal heat output exceeding 50MW.

2 March, 2001

2.1 The use of peat for the production of energy in combustion plant the rated thermal input of which is equal to or greater than 50MW other than any such plant which makes direct use of the products of combustion in a manufacturing process.

8 January, 2002

2.2 The burning of peat in a boiler or furnace with a nominal heat output exceeding 50MW.

8 January, 2002

Dated this 3rd day of December, 1998.

Dan Wallace

Minister of State at the Department of the Environment and Local Government

EXPLANATORY NOTE

This Order, which should be read in conjunction with section 82(3) of the 1992 Act, specifies dates on or after which the established activities concerned are required to have applied to the Environmental Protection Agency for an integrated pollution control licence.