

S.I. No. 140 of 1997.

**ENVIRONMENTAL PROTECTION AGENCY ACT, 1992 (ESTABLISHED
ACTIVITIES) ORDER, 1997**

The Minister for the Environment, in exercise of the powers conferred on him by sections 7 of the Environmental Protection Agency Act, 1992 (No. 7 of 1992), hereby orders as follows:

1. This Order may be cited as the Environmental Protection Agency Act, 1992 (Established Activities) Order, 1997.

2. This Order shall come into operation on the 14th day of April, 1997.

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, 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,

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

(b) the 14th day of April, 1997, 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.

SCHEDULE

Reference Number of Activity in the First Schedule to the Act Class of Established Activity Specified

Date

(1) (2) (3)

5.8 The formulation of pesticides.

14 October, 1997

5.10 The manufacture of vitamins involving the use of heavy metals.

14 October, 1997

5.11 The storage, in quantities exceeding the values shown, of any one or more of the following chemicals (other than as part of any other activity) - methyl acrylate (20 tonnes); acrylonitrile (20 tonnes); toluene diisocyanate (20 tonnes); anhydrous ammonia (100 tonnes); anhydrous hydrogen fluoride (1 tonne).

14 October, 1997

8.2 The manufacture of bleached pulp.

14 October, 1997

8.3 The treatment or protection of wood, involving the use of preservatives, with a capacity exceeding 10 tonnes per day.

14 October, 1997

3.4 The production, recovery or processing of non-ferrous metals, their compounds or other alloys including antimony, arsenic, beryllium, chromium, lead, magnesium, manganese, phosphorus, selenium, cadmium or mercury, by thermal, chemical or electrolytic means in installations with a batch capacity exceeding 0.5 tonnes.

10 March, 1998

3.5 The reaction of aluminium or its alloys with chlorine or its compounds.

10 March, 1998

3.6 The roasting, sintering or calcining of metallic ores in plants with a capacity exceeding 1,000 tonnes per year.

10 March, 1998

3.7 Swaging by explosives where the production area exceeds 100 square metres.

10 March, 1998

6.1 The rearing of poultry in installations, whether within the same complex or within 100 metres of that complex, where the capacity exceeds 100,000 units and where units have the following equivalents-

1 broiler = 1 unit

1 layer, turkey or other fowl = 2 units.

10 March, 1998

6.2 The rearing of pigs in installations, whether within the same complex or within 100 metres of that complex, where the capacity exceeds 10,000 units and where units have the following equivalents -

1 pig = 1 unit

1 sow = 10 units.

10 March, 1998

7.1 The manufacture of vegetable and animal oils and fats where the capacity for processing raw materials exceeds 40 tonnes per day.

10 March, 1998

7.2 The manufacture of dairy products where the processing capacity exceeds 50 million gallons of milk equivalent per year.

10 March, 1998

7.5 The manufacture of fishmeal and fish-oil.

10 March, 1998

9.1 The extraction, other than offshore extraction, of petroleum, natural gas, coal or bituminous shale.

10 March, 1998

9.2 The handling or storage of crude petroleum.

10 March, 1998

9.3 The refining of petroleum or gas.

10 March, 1998

9.4 The pyrolysis, carbonisation, gasification, liquefaction, dry distillation, partial oxidation or heat treatment of coal, lignite, oil or bituminous shale, other carbonaceous materials or

mixtures of any of these in installations with a processing capacity exceeding 500 tonnes per day.

10 March, 1998

12.1 Operations involving coating with organotin compounds.

10 March, 1998

13.1 The testing of engines, turbines or reactors where the floor area exceeds 500 square metres.

10 March, 1998

13.3 The production of lime in a kiln.

10 March, 1998

6.2 The rearing of pigs in installations, whether within the same complex or within 100 metres of that complex, where the capacity exceeds 7,000 units but is not more than 10,000 units and where units have the following equivalents -

1 pig = 1 unit

1 sow = 10 units.

9 June, 1998

7.3 Commercial brewing and distilling, and malting in installations where the production capacity exceeds 100,000 tonnes per year.

9 June, 1998

11.4 The use of heat for the manufacture of fuel from waste.

9 June, 1998

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.

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