

S.I. No. 279/2006 — *Environmental Protection Agency Act 1992 (Established Activities) Order 2006*

S.I. No. 279 of 2006

ENVIRONMENTAL PROTECTION AGENCY ACT 1992 (ESTABLISHED ACTIVITIES) ORDER 2006

I, Dick Roche, Minister for the Environment, Heritage and Local Government, in exercise of the powers conferred on me by sections 7 and 82 (4) of the *Environmental Protection Agency Act 1992* (No. 7 of 1992), as amended by sections 9 and 15 of the *Protection of the Environment Act 2003* (No. 27 of 2003) hereby order as follows:

1. This Order may be cited as the *Environmental Protection Agency Act 1992 (Established Activities) Order 2006*.
2. This Order comes into operation on 1 June 2006.
3. In this Order -

“Act” means the *Environmental Protection Agency Act 1992* ;

“previous activity” means a class of established activity identified in a Schedule to a previous Order;

“previous Order” means one of the following-

- (a) the *Environmental Protection Agency Act 1992 (Established Activities) Order 1994* (S.I. No. 83 of 1994);
 - (b) the *Environmental Protection Agency Act 1992 (Established Activities) Order 1995* (S.I. No. 58 of 1995);
 - (c) the *Environmental Protection Agency Act 1992 (Established Activities) Order 1996* (S.I. No. 78 of 1996);
 - (d) the *Environmental Protection Agency Act 1992 (Established Activities) Order 1997* (S.I. No. 140 of 1997);
 - (e) the *Environmental Protection Agency Act 1992 (Established Activities) Order 1998* (S.I. No. 460 of 1998).
4. To the extent that a previous activity falls within an activity specified in column (2) of the Schedule, (the “second-mentioned activity”) any provision of this Order

specifying a date for the purposes of the second-mentioned activity shall not apply for the purposes of the previous activity; accordingly the date specified in a previous Order for the purposes of the previous activity shall continue to apply.

5. Subject to the provisions of this Order, an established activity of a class specified in column (2) of the Schedule (or an established activity which is associated with such an activity and which is carried on at or adjacent to the site of it) shall not be carried on on or after the date specified in column (3) of the Schedule opposite that class unless a licence or revised licence is in force in relation to the activity.

6. Without prejudice to section 98 of the *Act*, where an application for a licence in relation to an activity on, at or adjacent to the site of an established activity is made on a date (the “relevant date”) that is earlier than the date specified in column (3) of the Schedule opposite the class of established activity concerned, and that activity is associated with the established activity, then, Article 5 shall apply in relation to the established activity as if for the date mentioned in that Article there was substituted the relevant date.

7. (a) Without prejudice to section 98 of the *Act*-
- (i) where an application for a licence or revised licence or permit or revised permit is made to a local authority, sanitary authority or the Minister for Communications, Marine and Natural Resources, or
 - (ii) where a review of a licence or revised licence or permit or revised permit is commenced by the local authority, sanitary authority or the Minister for Communications, Marine and Natural Resources,

in relation to an established activity under any of the enactments to which section 99G (1) of the *Act* relates, and such application or review is made or commenced on a date (the “relevant date”) that is earlier than the date specified in column (3) of the Schedule opposite the class of established activity concerned, then, Article 5 shall apply in relation to the established activity as if for the date mentioned in that Article there was substituted the relevant date.

- (b) Where an application or review referred to in paragraph (a) is made in relation to an established activity earlier than the date specified in column (3) of the Schedule opposite the class of established activity concerned and the local authority, sanitary authority or the Minister for Communications, Marine and Natural Resources has made no decision in relation thereto on 1 June 2006, then Article 5 shall apply in relation to the established activity as if for the date mentioned in that Article there was substituted 1 June 2006.

SCHEDULE

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

(1)	(2)	(3)
7.2.1	The treatment and processing of milk, the quantity of milk received being greater than 200 tonnes per day (average value on a yearly basis)	3 July 2006
5.12	<p>The production of basic organic chemicals such as:</p> <p>(a) simple hydrocarbons (linear or cyclic, saturated or unsaturated, aliphatic or aromatic),</p> <p>(b) oxygen-containing hydrocarbons such as alcohols, aldehydes, ketones, carboxylic acids, esters, acetates, ethers, peroxides, epoxy resins,</p> <p>(c) sulphurous hydrocarbons,</p> <p>(d) nitrogenous hydrocarbons such as amines, amides, nitrous compounds, nitro compounds or nitrate compounds, nitriles, cyanates, isocyanates,</p> <p>(e) phosphorous-containing hydrocarbons,</p> <p>(f) halogenic hydrocarbons,</p> <p>(g) organometallic compounds,</p> <p>(h) basic plastic materials (polymers, synthetic fibres and cellulose-based fibres),</p> <p>(i) synthetic rubbers,</p> <p>(j) dyes and pigments,</p> <p>(k) surface-active agents and surfactants.</p>	3 July 2006

6.1	The rearing of poultry in installations, whether within the same complex or within 100 metres of the same complex, where the capacity exceeds 80,000 places.	12 September 2006
7.8	Treatments or processes for the purposes of the production of food products from animal raw materials (other than milk) with a finished product production capacity greater than 75 tonnes per day.	12 September 2006
7.4.1	The operation of slaughterhouses with a carcass production capacity greater than 50 tonnes per day.	10 October 2006
7.7.1	The disposal or recycling of animal carcasses and animal waste with a treatment capacity exceeding 10 tonnes per day.	10 October 2006
7.7.2	The processing (including rendering) of animal carcasses and by-products, not included in 7.7.1.	10 October 2006
5.16	The use of a chemical or biological process for the production of basic pharmaceutical products.	7 November 2006
5.13	<p>The production of basic inorganic chemicals, such as:</p> <p>(a) gases, such as ammonia, chlorine, or hydrogen chloride, fluoride or hydrogen fluoride, carbon oxides, sulphur compounds, nitrogen oxides, hydrogen, sulphur dioxide, carbonyl chloride,</p> <p>(b) acids, such as chromic acid, hydrofluoric acid, phosphoric acid, nitric acid, hydrochloric acid, sulphuric acid, oleum, sulphurous acids,</p> <p>(c) bases, such as ammonium hydroxide, potassium hydroxide, sodium hydroxide,</p> <p>(d) salts, such as ammonium chloride, potassium chlorate, potassium carbonate, sodium carbonate, perborate, silver nitrate,</p> <p>(e) non-metals, metal oxides or other inorganic compounds such as calcium carbide, silicon carbide.</p>	7 November 2006

6.1	The rearing of poultry in installations, whether within the same complex or within 100 metres of the same complex, where the capacity exceeds 60,000 places but does not exceed 80,000 places.	6 February 2007
1.1.1	The production of asbestos.	8 May 2007
2.1	The operation of combustion installations with a rated thermal input equal to or greater than 50 MW.	8 May 2007
4.2.1	The melting of mineral substances including the production of mineral fibres with a melting capacity exceeding 20 tonnes per day.	8 May 2007
4.3	The manufacture of glass including glass fibre with a melting capacity exceeding 20 tonnes per day or 5,000 tonnes per year.	8 May 2007
3.1.1	The production of pig iron or steel, primary or secondary fusion) including continuous casting, with a capacity not exceeding 2.5 tonnes per hour.	8 May 2007
3.2.1	The processing of ferrous metals:	8 May 2007
	(a) hot-rolling mills with a capacity exceeding 20 tonnes of crude steel per hour,	
	(b) smitheries with hammers the energy of which exceeds 50 kilojoule per hammer, where the calorific power used exceeds 20 MW,	
	(c) application of protective fused metal coats with an input exceeding 3 tonnes of crude steel per hour.	
3.3.1	The operation of ferrous metal foundries with a production capacity exceeding 20 tonnes per day.	8 May 2007
3.4.1	The -	8 May 2007
	(a) production of non-ferrous crude metals from ore, concentrates or secondary raw materials by metallurgical, chemical or electrolytic processes,	
	(b) smelting, including the alloyage, of non-	

	ferrous metals, including recovered products (refining, foundry casting, etc.) with a melting capacity exceeding 4 tonnes per day for lead and cadmium or 20 tonnes per day for all other metals.	
3.6.1	The roasting or sintering of metal ore (including sulphide ore).	8 May 2007
5.14	The production of phosphorous-based, nitrogen-based or potassium-based fertilisers (simple or compound fertilisers).	8 May 2007
5.15	The production of basic plant health products and of biocides.	8 May 2007
5.17	The production of explosives.	8 May 2007
12.2.1	The surface treatment of substances, objects using organic solvents, in particular for dressing, printing, coating, degreasing, waterproofing, sizing, painting, cleaning or impregnating, with a production capacity of more than 150 kg per hour or more than 200 tonnes per year.	8 May 2007
12.3	The surface treatment of metals and plastic materials using an electrolytic or chemical process where the volume of the treatment vats exceeds 30 m ³ .	8 May 2007
13.4.1	The manufacture of ceramic products by firing, in particular roofing tiles, bricks, refractory bricks, tiles, stoneware or porcelain, with a production capacity exceeding 75 tonnes per day, or with a kiln capacity exceeding 4 m ³ and a setting density per kiln exceeding 300 kg/m ³ .	8 May 2007
6.2	The rearing of pigs in an installation, whether within the same complex or within 100 metres of the same complex, where the capacity exceeds - 750 places for sows in a breeding unit, or 285 places for sows in an integrated unit, or 2,000 places for production pigs.	8 May 2007

In this paragraph -

“breeding unit” means a piggery in which pigs are bred and reared up to 30 kg in weight;

“integrated unit” means a piggery in which pigs are bred and reared to slaughter;

“production pig” means any pig over 30 kg in weight which is being fattened for slaughter;

“sow” means female pig after it first farrowing.

7.3.1	Brewing (including cider and perry production) in installations where the production capacity exceeds 25 million litres per year, not included in paragraph 7.8	8 May 2007
7.3.2	Distilling in installations where the production capacity exceeds the equivalent of 1,500 tonnes per year measured as pure alcohol, not included in paragraph 7.8.	8 May 2007
7.3.3	Malting in installations where the production capacity exceeds 100,000 tonnes per year, not included in paragraph 7.8.	8 May 2007
7.8	Treatments or processes for the purposes of the production of food products from vegetable raw materials with a finished production capacity greater than 300 tonnes per day (average value on a quarterly basis).	8 May 2007
8.1	The production of paper pulp, paper or board (including fibre-board, particle-board and plywood) with a production capacity exceeding 20 tonnes per day.	8 May 2007
8.2	The production of pulp from timber or other fibrous materials.	8 May 2007
8.5.1	The pre-treatment (operations such as washing, bleaching, mercerization) or dyeing of fibres or textiles (including carpet) where the treatment capacity exceeds 10 tonnes per day.	8 May 2007
8.6.1	The tanning of hides and skins where the treatment capacity exceeds 12 tonnes of finished products per day.	8 May 2007
9.3.1	The operation of mineral oil and gas refineries.	8 May 2007
9.4.1	The operation of coke ovens.	8 May 2007
9.4.2	The operation of coal gasification and liquefaction plants.	8 May 2007

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| 9.4.3 | The production of carbon (hard-burnt coal) or electrographite by means of incineration or graphitization. | 8 May 2007 |
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| 6.1 | The rearing of poultry in installations, whether within the same complex or within 100 metres of the same complex, where the capacity exceeds 40,000 places but does not exceed 60,000 places. | 6 June 2007 |

Given under my Official Seal

31 May 2006

L.S.

Dick Roche

Minister for the Environment,
Heritage and Local Government

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation)

This Order, which should be read in conjunction with section 82 (6) of the ***Environmental Protection Agency Act 1992*** (as amended by the ***Protection of the Environment Act 2003***), specifies dates on which the established activities concerned are required to have applied to the ***Environmental Protection Agency*** for an integrated pollution prevention and control licence.

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