S.I. No. 821/2007 — Waste Management (Facility Permit and Registration) Regulations 2007

S.I. No. 821 of 2007

WASTE MANAGEMENT (FACILITY PERMIT AND REGISTRATION) REGULATIONS 2007

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S.I. No. 821 of 2007

WASTE MANAGEMENT (FACILITY PERMIT AND REGISTRATION) REGULATIONS 2007

Notice of the making of this Statutory Instrument was published in

"Iris Oifigiúil" of 28*th December*, 2007.

The Minister for the Environment, Heritage and Local Government, in exercise of the powers conferred on him by sections 7, 15, 18, 19, 32, 39 and 53E of the Waste Management Acts 1996 to 2007, hereby makes the following Regulations:—

Citation

1. These Regulations may be cited as the Waste Management (Facility Permit and Registration) Regulations 2007.

Commencement

2. These Regulations shall come into operation on 31 March 2008.

Revocations and transitional arrangements

3. (1) Subject to sub-article (2), the Regulations specified in the first schedule to these Regulations (referred to hereafter as "the regulations revoked") are hereby revoked.

(2) The provisions of the Regulations revoked shall, notwithstanding sub-article (1), continue to apply and have effect in relation to any application that is made for a waste permit or a certificate of registration, or any waste permit or certificate of registration which has been granted, before the coming into operation of these Regulations.

(3) A certificate of registration granted under the Regulations revoked in respect of an activity which does not fall within part II of the third schedule and requires a waste facility permit in accordance with part I of the third schedule, shall remain valid if an application for a waste facility permit is made within sixty working days of the coming into operation of these Regulations, until such time as a decision is taken to grant or to refuse a waste facility permit under article 18, at which point the certificate of registration will lapse.

(4) A waste permit granted under the Regulations revoked in respect of an activity which does not fall within part I of the third schedule and which requires a waste licence in accordance with the Waste Management (Licensing) Regulations 2004 (S.I. No. 395 of 2004), as may be amended from time to time, shall remain valid if an application for a waste licence is made to the Agency within 180 working days of the coming into operation of these Regulations, until such time as a decision is taken to grant or to refuse a waste licence under article 34 of the Waste Management (Licensing) Regulations 2004, as may be amended from time to time, at which point the waste facility permit will lapse.

(5) Where an application for a review of an existing waste facility permit is made after the coming into operation of these Regulations, the application shall be reviewed in accordance with the procedures pursuant to articles 30 and 31. On completion of the review of the waste facility permit, the full provisions of these Regulations shall apply in relation to the activity.

(6) Where an application for a review of a certificate of registration is made after the coming into operation of these Regulations, the application shall be reviewed in accordance with the procedures set out in article 38. On completion of the review of the certificate of registration, the provisions of these Regulations will apply in relation to the activity.

Purpose of Regulations

4. The purpose for which these Regulations are made include giving effect to the provisions of—

(*a*) Council Directive 75/439/EEC of 16 June 1975 [1] on the disposal of waste oils, as amended by Council Directive 87/101/EEC of 22 December 1986 [2] ,

(*b*) Council Directive 75/442/EEC of 15 July 1975 [3] on waste, as amended by Council Directive 91/156/EEC of 18 March, 1991 [4] and codified under Directive 2006/12/EC of the European Parliament and the Council of 5 April 2006 [5] on waste,

(*c*) Directive 2006/11/EC of 15 February 2006 [6] of the European Parliament and of the Council on pollution caused by certain dangerous substances discharged into the aquatic environment of the community,

(*d*) Directive 2006/118/EC of 12 December 2006 [7] of the European Parliament and of the Council on the protection of groundwater against pollution and deterioration.

(*e*) Council Directive 80/68/EEC of 17 December 1979 [8] on the protection of groundwater against pollution caused by certain dangerous substances,

(*f*) Council Directive 87/217/EEC of 19 March 1987 [9] on the prevention and reduction of environmental pollution by asbestos,

(*g*) Council Directive 91/676/EEC of 12 December 1991 [10] concerning the protection of waters against pollution caused by nitrates from agricultural sources,

(*h*) Council Directive 91/689/EEC of 12 December 1991 [11] on hazardous waste,

(*i*) Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 [12] establishing a framework for Community action in the field of water policy,

(*j*) Directive 2000/53/EC of the European Parliament and of the Council of 18 September 2000 [13] on end-of-life vehicles as amended by Council Decision 2005/673/EC of 20 September 2005,

(*k*) Directive 2002/96/EC of the European Parliament and the Council of 27 January 2003 [14] on waste electrical and electronic equipment (WEEE), as amended by Directive 2003/108/EC of the European Parliament and of the Council of 8 December 2003 [15] ,

(*l*) Directive 94/62/EC of the European Parliament and of the Council of 20 December 1994 [16] on packaging and packaging waste, as amended by Directive 2004/12/EC of the European Parliament and of the Council of 11 February 2004 [17] ,

(*m*) Regulation (EC) No. 1774/2002 of the European Parliament and of the Council of 3 October 2002 [18] laying down health rules concerning animal by-products not intended for human consumption, as amended by Commission Regulation (EC) No. 808/2003 of 12 May 2003 [19] ,

(*n*) Regulation (EC) No. 2037/2000 of the European Parliament and of the Council of 29 June 2000 [20] on substances that deplete the ozone layer, as amended by Regulation (EC) No. 2038/2000 of the European Parliament and of the Council of 29 September 2000 [21] , Regulation (EC) No. 2039/2000 of the European Parliament and of the Council of 29 September 2000 [22] , Regulation (EC) No. 1804/2003 of the European Parliament and of the Council of 16 October 2003 [23] , Commission Regulation (EC) No. 2077/2004 of 4 December 2004 [24] and

Commission Regulation (EC) No. 29/2006 of 11 January 2006 [25] and Commission Regulation (EC) No. 1784/2006 of 4 December 2006 [26] ,

(*o*) Regulation (EC) No. 842/2006 of the European Parliament and of the Council of 17 May 2006 [27] on certain fluorinated greenhouse gases,

(*p*) Council Directive 1999/31/EC of 26 April 1999 [28] on the landfill of waste,

(*q*) Council Directive 91/157/EEC of 18 March 1991 [29] on batteries and accumulators containing certain dangerous substances as amended by Commission Directive 93/86/EEC of 4 October 1993 [30] and by Commission Directive 98/101/EC of 22 December 1998 [31] ,

(*r*) Directive 2006/66/EC of the European Parliament and of the Council of 6 September 2006 [32] on batteries and accumulators and waste batteries and accumulators and repealing Directive 91/157/EEC,

(*s*) Regulation (EC) No 2150/2002 of the European Parliament and of the Council of 25 November 2002 on waste statistics [33] ,

(t) Regulation (EC) No 850/2004 of the European Parliament and the Council of 29 April 2004 on persistent organic pollutants and amending Directive 79/117/EEC [34] , as amended by Council Regulation (EC) No. 1195/2006 [35] and Council Regulation (EC) No. 172/2007 [36] ,

(*v*) Council Directive 79/409/EEC of 2 April 1979 [37] on the conservation of wild birds,

(*w*) Council Directive 92/43/EEC of 21 May 1992 [38] on the conservation of natural habitats and of wild fauna and flora,

(*x*) Directive 2006/118/EC of 12 December 2006 of the European Parliament and of the Council on the protection of groundwater against pollution and deterioration [39] , and

Interpretation generally

5. (1) In these Regulations—

(*a*) any reference to a schedule or article, which is not otherwise identified, is a reference to a schedule or article of these Regulations,

(*b*) any reference to a sub-article or paragraph, which is not otherwise identified, is a reference to a sub-article or paragraph of the provision in which the reference occurs.

(2) In these Regulations, save where the context otherwise requires—

"the Act" means the Waste Management Acts 1996 — 2007;

"activity" means in relation to the disposal and recovery of waste any of the activities specified in the third schedule of the Act or, as the case may be, the fourth schedule of the Act and "disposal activities" or "waste recovery activities" shall be construed accordingly;

"the Agency" means the Environmental Protection Agency established under section 19 of the Environmental Protection Agency Acts 1992 and 2003;

"agriculture" means the growing of all types of commercial food crops, including food crops for stock-rearing purposes,

"anaerobic digestion" means the biological decomposition of biowaste in the absence of oxygen and under controlled conditions by the action of micro-organisms in order to produce biogas and digestate;

"animal by-products" has the meaning assigned to it by article 2 of Regulation (EC) No. 1774/2002;

"appellant" means an applicant or a local authority who makes a request to the Agency in accordance with article 11 for a determination of whether an activity shall be regarded as a licensable activity under section 39(1) of the Act or as requiring a waste facility permit or certificate of registration under these Regulations, or as none of these;

"an application" means, as the case may be, an application for a—

(*a*) waste facility permit,

(*b*) review of a waste facility permit,

(*c*) surrender of a waste facility permit,

(*d*) transfer of a waste facility permit,

(*e*) certificate of registration,

(*f*) review of a certificate of registration,

(*g*) surrender of a certificate of registration, or

(*h*) transfer of a certificate of registration;

"applicant" means, as the case may be, an applicant for a—

(*a*) waste facility permit,

(*b*) review of a waste facility permit,

(*c*) surrender of a waste facility permit,

(*d*) transfer of a waste facility permit,

(*e*) certificate of registration,

(*f*) review of a certificate of registration,

(*g*) surrender of a certificate of registration, or

(*h*) transfer of a certificate of registration,

and may include the holder of the waste;

"authorised facility" means a facility which has been granted a waste authorisation in the form of a waste licence, a waste facility permit or a certificate of registration;

"biodegradable" means waste that is capable of undergoing anaerobic or aerobic decomposition, such as food and garden waste, and paper and cardboard;

"biological treatment" means composting, anaerobic digestion, mechanical-biological treatment or any other biological treatment process for stabilising and sanitising biodegradable waste, including pre-treatment processes;

"biowaste" means source segregated household or commercial waste of an organic or putrescible character, such as food or garden waste;

"central collection point" means—

(*a*) a Civic Amenity Facility, or

(*b*) other facility for the receipt, storage (including temporary storage), segregation, sorting or repackaging of waste pending onward transport and subsequent submission to a recovery activity at an authorised facility,

subject to such a facility being appropriately licensed, permitted or registered under Regulations made pursuant to section 39 of the Act, or other such facilities as may be prescribed;

"certificate of registration" means a certificate issued under article 37 of these Regulations and, for the purposes of these Regulations, shall include a "registration certificate" which has been granted as a waste authorisation by the Agency or, as the case may be, a local authority in accordance with the provisions of article 39 of the Waste Management (Waste Electrical and Electronic Equipment) Regulations 2005 (S.I. No. 340 of 2005) and which regulates the reception, storage (including temporary storage), segregation, sorting or repackaging of Waste Electrical and Electronic Equipment at a facility, subject to any amendment that may be made to the Waste Management (Waste Electrical and Electronic Equipment) Regulations 2005 (S.I. No. 340 of 2005) from time to time;

"civic amenity facility" shall include a civic amenity site and a recycling centre and means a facility operated by or on behalf of a local authority or a private sector operator which is provided for the efficient reception and temporary storage of recyclable and non-recyclable waste materials, including segregated waste and which is appropriately licensed, permitted or registered under Regulations made pursuant to Section 39 of the Act;

"commercial documentation" means a record of the particulars of each consignment of waste which is delivered to a facility, including details of the—

(*a*) date of delivery,

(*b*) sources, types and quantities of the wastes received,

(*c*) name, address and waste authorisation number of the carrier, and

(*d*) name, address and waste authorisation reference number of any facility to which the waste is consigned for onward transfer from the facility concerned.

"Community Act" has the meaning assigned to it by section 5 of the Act;

"composting" means the autothermic and thermophilic biological decomposition of separately collected biowaste, including organic sludges of biological origin, in the presence of oxygen and under controlled conditions in order to produce compost, and "compost" and "compostable" shall be construed accordingly;

"Directive 2006/12/EC" means Directive 2006/12/EC of the European Parliament and of the Council of 5 April 2006 on waste which codifies Council Directive 75/442/EEC of 15 July 1975 on waste, as amended by Council Directive 91/156/EEC of 18 March 1991;

"dredge spoil" means waste materials arising from dredging operations from the sea, an estuary or an inland waterway;

"electrical and electronic equipment" or "EEE" means equipment which is dependent on electric currents or electromagnetic fields in order to work properly and equipment for the generation, transfer and measurement of such currents and fields falling under the categories set out in Annex IA and designed for use with a voltage rating not exceeding 1,000 Volt for alternating current and 1,500 Volt for direct current;

"electronic means" means using electronic equipment for the processing (including digital compression) and storage of data which is transmitted, conveyed and received by wire, by radio or by other electromagnetic means;

"emission limit value" has the meaning assigned to it by section 5 of the Act;

"end-of-life vehicle" means a specified vehicle which is discarded or is to be discarded by its registered owner as waste and shall be read in accordance with the meaning of section 4(1)(*a*) of the Act and article 1(*a*) of Council Directive 75/442/EEC of 15 July 1975 on waste;

"environmental pollution" has the meaning assigned to it in section 5 of the Act;

"European site" means-

(*a*) a site—

(i) notified for the purposes of Regulation 4 of the European Communities (Natural Habitats) Regulations 1997 [40], subject to any amendments made to it by virtue of Regulation 5 of those Regulations,

(ii) transmitted to the Commission in accordance with Regulation 5(4) of the said Regulations, or

(iii) added by virtue of Regulation 6 of the said Regulations to the list transmitted to the Commission in accordance with Regulation 5(4) of the said Regulations, but only until the adoption in respect of the site of a decision by the Commission under article 21 of Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora for the purposes of the third paragraph of article 4(2) of that Directive.

(*b*) a site adopted by the Commission as a site of Community importance for the purposes of article 4(2) of Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora in accordance with the procedure laid down in article 21 of that Directive,

(*c*) a special area of conservation within the meaning of the European Communities (Natural Habitats) Regulations 1997,

(*d*) an area classified pursuant to paragraph (1) or (2) of article 4 of Council Directive 79/409/EEC on the conservation of wild birds;

"European Waste Catalogue" (or "EWC") means the list of waste set out in Commission Decision 2001/118/EC of 16 January 2001 [41] (made pursuant to article 1(*a*) of Council Directive 75/442/EEC on waste) and includes such amendments as may be made to the list from time to time;

"facility" shall have the meaning assigned by section 5 of the Act;

"fit and proper person" applies to a person if—

(*a*) neither that person nor any other relevant person has been convicted of an offence under the Act, the Environmental Protection Agency Acts 1992 and 2003, the Local Government (Water Pollution) Acts 1977 and 1990 or the Air Pollution Act 1987 ,

(*b*) in the opinion of the Agency or, as the case may be, the local authority, that person or, as appropriate, any person or persons employed by him or her to direct or control the carrying on of the activity to which the waste facility permit or, as the case may be, the certificate of registration relates or, as appropriate, will relate has or have the requisite technical knowledge or qualifications to carry on that activity in accordance with the permit or, as appropriate, the certificate of registration, and the other requirements of the Act,

(*c*) in the opinion of the Agency or, as the case may be, the local authority, that person is likely to be in a position to meet any financial commitments or liabilities that the Agency or, as the case may be, the local authority reasonably considers will be entered into or incurred by him or her in carrying on the activity to which the waste facility permit or, as the case may be, the certificate of registration relates or, as appropriate, will relate in accordance with the terms thereof or in consequence of ceasing to carry on that activity;

"fluorinated greenhouse gas" has the meaning as defined in Regulation (EC) No. 842/2006;

"fluorinated greenhouse gas container" means a product which is designed primarily for transporting or storing fluorinated greenhouse gases;

"halons" means those controlled substances contained in fire protection systems and fire extinguishers covered by the scope of Regulation (EC) No. 2037/2000 as detailed in Annex 1 of that Regulation;

“halon container” means a product which is designed primarily for transporting or storing halons;

“hazardous waste” has the meaning assigned to it by section 4 of the Act;

“household waste” has the meaning assigned to it by section 5 of the Act;

“household hazardous waste" means hazardous waste produced within the curtilage of a building or self-contained part of a building used for the purposes of living accommodation as well as commercial and other waste which, because of its nature or composition, is similar to household hazardous waste;

“immobilised vehicle” means a vehicle, other than an end-of-life vehicle which, in the reasonable opinion of the local authority, is not capable of being—

(*a*) physically driven, or

(*b*) driven in accordance with the prevailing Community legislation or relevant national legislation relating to safety standards, air emissions, noise controls, and the protection of soil and water;

“inert waste” means waste that—

(*a*) does not undergo any significant physical, chemical or biological transformations,

(*b*) will not dissolve, burn or otherwise physically or chemically react, biodegrade or adversely affect other matter, or be adversely affected by other matter, including waters, with which it comes into contact in a way that causes or is likely to cause environmental pollution, or

(*c*) in particular, will not endanger the quality of surface water or groundwater;

“IPPC Licence” means a licence for the purposes of section 83 of the Environmental Protection Agency Acts 1992 and 2003;

“licensable activity” means an activity in relation to the carrying on of which a waste licence is required under section 39(1) of the Act;

“local authority” has the meaning assigned to it by section 5 of the Act;

“manure” means any excrement and/or urine of farmed animals with or without litter or guano that may be either unprocessed or processed in accordance with chapter III of annex VIII of Regulation (EC) No. 1774/2006 or otherwise transformed in biogas or composting plants;

“mechanical-biological treatment” means the treatment of residual municipal waste through a combination of mechanical processing and biological stabilisation, in order to stabilise and reduce the volume of waste which requires disposal;

“mobile plant" means any plant used for or in relation to the holding, recovery or disposal of waste, which is designed to be transported between, and used at, different facilities, other than mobile plant used for the recovery of waste for the time being specified in section 51(2)(*a*) of the Act;

“municipal waste” has the meaning assigned to it by section 5 of the Act;

“nutrient management plan” shall have the meaning imputed to it pursuant to section 66 of the Act;

“organic waste” means any waste that is capable of undergoing anaerobic or aerobic decomposition through a biological treatment process, such as food and garden waste;

“party to an application” means the applicant and the local authority or, as the case may be, the Agency to which the application is being made, and “party” shall be construed accordingly;

“permit holder” means a holder of a waste facility permit issued in accordance with the provisions of these Regulations and, for the purpose of these Regulations, shall include a holder of a waste permit granted under the Waste Management (Permit) Regulations, 1998 [42] ;

“premises” has the meaning assigned to it by section 5 of the Act;

“planning permission” means a permission granted under Part III of the Planning and Development Act of 2000;

“principal activity”, when used in the context of an application, in the case where two or more classes of activity as specified in the third schedule are being carried on at a facility, means the activity which is carried on to the greatest extent at the facility;

“principal office” means the central office of the local authority concerned, or such

other office of the local authority which may be designated by the local authority for the purposes of dealing with matters covered by these Regulations;

"proposed transferee" means another person to whom a permit holder or a registration holder desires to transfer a waste facility permit or a certificate of registration respectively;

"refrigerant container" means a product which is designed primarily for transporting or storing refrigerant gases;

"refrigerant gases" means those gases contained in refrigeration, air-conditioning and heat pump equipment whether alone or in a mixture, including those gases as detailed in Annex I of Regulation (EC) No. 2037/2000 and Annex I of Regulation (EC) No. 842/2006 and where chlorofluorocarbons (CFCs), hydrochloroflurocarbons (HCFCs) covered by Regulation (EC) No. 2037/2000 and hydrofluorocarbons (HFCs) under Regulation (EC) No. 842/2006 are different refrigerant gas types;

"registration certificate" means a waste authorisation granted by the Agency or, as the case may be, the relevant local authority under the provisions of article 39 of the Waste Management (Waste Electrical and Electronic Equipment) Regulations 2005 and which regulates the reception of Waste Electrical and Electronic Equipment at a facility;

"registration holder" means a holder of a certificate of registration issued in accordance with the provisions of these Regulations;

"Regulation (EC) No. 2037/2000" means Regulation (EC) No. 2037/2000 of the European Parliament and of the Council of 29 June 2000 on substances that deplete the ozone layer, as amended by Regulation (EC) No. 2038/2000 of the European Parliament and of the Council of 29 September 2000, Regulation (EC) No. 2039/2000 of the European Parliament and of the Council of 16 October 2003, Regulation (EC) No. 1804/2003 of the European Parliament and of the Council of 29 September 2000, Commission Regulation (EC) No. 2077/2004 of 4 December 2004 and Commission Regulation (EC) No. 29/2006 of 11 January 2006 and Commission Regulation (EC) No. 1784/2006 of 4 December 2006 [43] ;

"Regulation (EC) No. 842/2006" means Regulation (EC) No 842/2006 of the European Parliament and of the Council of 17 May 2006 on certain fluorinated greenhouse gases;

"Regulation (EC) No. 1774/2002" means Regulation (EC) No. 1774/2002 of the European Parliament and of the Council of 3 October 2002 laying down health rules concerning animal by-products not intended for human consumption, as amended by Commission Regulation (EC) No. 808/2003 of 12 May 2003;

"residual waste" means the fraction of municipal waste remaining after the source

separation of municipal waste fractions such as food and garden waste, packaging, paper, metals, and glass;

"temporary", shall when used in relation to the storage of waste, be construed as a reference to the storage of waste for a period not exceeding 6 months;

"sludge" means–

(*a*) residual sludge from sewage plants treating domestic or urban waste waters and from other sewage plants treating waste waters of a composition similar to domestic and urban waste waters,

(*b*) residual sludge from septic tanks and other similar installations for the treatment of sludge, or

(*c*) residual sludge from sewage plants other than those referred to in (*a*) and (*b*);

"transport" has the meaning assigned to it in section 4 of the Act;

"use of sludge" means the spreading of sludge on the soil or any other application of sludge on and in the soil;

"valid application" means an application for a waste facility permit or, as the case may be, a certificate of registration which in the opinion of the local authority or, as the case may be, the Agency complies with the provisions of articles 9 and 10 of these Regulations in respect of waste facility permits or with article 37 of these Regulations in respect of certificates of registration;

"Waste battery and accumulator" means any battery or accumulator which is waste within the meaning of article 1(*a*) of Directive 2006/12/EC;

"waste collection permit" means a waste collection permit for the purposes of section 34 of the Act;

"waste electrical and electronic equipment" or "WEEE" means electrical and electronic equipment which is waste within the meaning of article 1(*a*) of Directive 2006/12/EC of the European Parliament and of the Council of 5 April 2006, including all components, subassemblies and consumables which are part of the product at the time of discarding;

"waste facility permit" means a permit for the purposes of section 39(4) of the Act and for the purposes of these Regulations shall include a waste permit granted under the Waste Management (Permit) Regulations, 1998 [44] ;

"waste licence" means a licence for the purposes of section 39(1) of the Act;

"Waste Management Acts 1996 to 2007" mean the Waste Management Act 1996 [45] as amended by the Waste Management (Amendment) Act 2001 [46] , Part 3 of the Protection of the Environment Act 2003 [47] , the Waste Management (Electrical and Electronic Equipment) Regulations 2005 [48] and the Waste Management (Environment Levy) (Plastic Bag) Order 2007 [49] ;

"waste oils" means any mineral or synthetic lubrication or industrial oils which have become unfit for the use for which they were originally intended, such as used combustion engine oils and gearbox oils, lubricating oils, oils for turbines and hydraulic oils;

"waste permit" means a waste permit for the purposes of section 39(4) of the Act which has been issued under the Waste Management (Permit) Regulations 1998 and which, for the purposes of these Regulations, shall have the meaning "waste facility permit";

"WEEE Directive" or "Waste Electrical and Electronic Equipment Directive" means Directive 2002/96/EC of the European Parliament and of the Council of 27 January 2003 on waste electrical and electronic equipment, as amended by Directive 2003/108/EC of the European Parliament and of the Council of 8 December 2003;

"working day" means a day on which the principal office of the local authority or, as the case may be, the Agency is open for business;

"written" or "in writing" means any expression consisting of words or figures which can be read, reproduced and subsequently communicated and which may include information which is transmitted and stored by electronic means.

Non-application of section 39(1) of the Act

6. (1) Section 39(1) of the Act shall not apply in respect of the carrying on by a person of a waste recovery or disposal activity specified in Parts I or II of the third schedule of the Regulations if and for so long as the person carrying on the activity complies with the conditions specified in sub-article (2).

(2) The conditions specified for the purposes of sub-article (1) are that—

(*a*) in the case of an activity of a class specified in Part I of the third schedule, where—

(i) the activity is being carried on in a manner which does not cause, and is not likely to cause, environmental pollution,

(ii) there is in force in relation to the carrying on of the activity a waste facility permit granted by the local authority in whose functional area the facility is located, and

(iii) the activity is being carried on in accordance with the conditions attached to the aforementioned waste facility permit; and

(*b*) in the case of an activity relating to household waste of a class specified in Part II of the third schedule, where the—

(i) waste arises within the curtilage of the domestic dwelling, and

(ii) activity is carried out within the curtilage of the domestic dwelling, and

(iii) local authority in whose functional area the dwelling is situated or, as the case may be, the Agency considers, in its reasonable opinion, that the activity forms part of normal domestic activity, and

(iv) activity is carried out in accordance with all relevant legislative requirements; and

(*c*) in the case of an activity, other than covered in sub-article (*b*), of a class specified in Part II of the third schedule, where—

(i) there is in force in relation to the carrying on of the activity a certificate of registration granted by the Agency or, as the case may be, the local authority in whose functional area the facility is located, and

(ii) the activity—

(A) is being carried on in accordance with the rules specified in the fourth schedule, and

(B) complies with the general requirements laid down in article 4 of Directive 2006/12/EC.

(3) Notwithstanding sub-article (2), where a type or quantity of waste material has been deposited for the purposes of the improvement or development of land which has not been specifically authorised through—

(*a*) a waste licence granted under the Waste Management (Licencing) Regulations 2004 [50] , as may be amended from time to time,

(*b*) a waste facility permit granted in relation to classes of activity 5 or 6 of Part I of the third schedule, or

(*c*) a certificate of registration granted in relation to classes of activity 5 or 6 Part II of the third schedule, or

(*d*) the requirements of a planning permission granted in accordance with Part II of the Planning and Development Act 2000 [51] ,

the activity shall be regarded as an unauthorised landfill facility for the purposes of the Waste Management (Landfill Levy) (Amendment) Regulations, 2006 [52] .

Notice of intention to apply for a waste facility permit

7. Within the period of 10 working days before the making of an application for a waste facility permit and in accordance with article 8, an applicant shall—

(*a*) publish notice of the intention to make the application in either a national newspaper, or in newspapers circulating in the area in which the facility or premises is located, and

(*b*) give notice of the intention to make the application by the erection or fixing of a site notice on the facility or premises concerned.

Requirements as to notices

8. (1) A notice published in a newspaper pursuant to article 8 shall—

(*a*) contain as a heading, and in uppercase, the words "APPLICATION TO [NAME OF LOCAL AUTHORITY] FOR A WASTE FACILITY PERMIT",

(*b*) give the name and address of the principal place of business of the applicant,

(*c*) state the location or postal address of the facility to which the application relates,

(*d*) give a brief description of the nature and purpose of the activity,

(*e*) state that an application for a waste facility permit will be made to the above mentioned local authority within 10 working days of the date of the newspaper notice,

(*f*) specify the class or classes of activity concerned, in accordance with—

(i) the third and fourth schedules of the Act and, in the case of two or more activities, identify the principal activity, and

(ii) Part I of the third schedule of these Regulations and, in the case of two or more activities, identify the principal activity,

(*g*) state that a copy of the application for a waste facility permit will be available for inspection or purchase at the principal office of the local authority from as soon as may be.

(2) A site notice erected or fixed on any facility pursuant to article 8 shall—

(*a*) be headed "APPLICATION TO [NAME OF LOCAL AUTHORITY] FOR A WASTE FACILITY PERMIT" and shall—

(i) indicate the site location or proposed location of the activity,

(ii) indicate the date on which the site notice was erected,

(iii) comply with the requirements specified in paragraphs (*b*), (*c*), (*d*), (*e*), (*f*) and (*g*) of sub-article (1), and

(iv) state that it is an offence for any person to remove the notice other than the applicant, his or her agent or the local authority or, as the case may be, the Agency,

(*b*) be painted or inscribed, or printed and affixed in indelible ink on a white background, on a durable material and secured against damage from bad weather and other causes, and the text shall be so painted, inscribed or printed, that the notice shall be easily visible and legible by persons using the public road, and shall not be obscured or concealed at any time,

(*c*) subject to sub-article (3), be securely erected or fixed in a conspicuous position—

(i) on or near the main entrance to the facility from a public road, or where there is more than one entrance from public roads, on or near all such entrances,

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

(3) Where the facility to which an application relates does not adjoin a public road, site notices shall be erected or fixed in a conspicuous position on the facility so as to be easily visible and legible by persons outside the facility, and shall not be obscured or concealed at any time.

(4) A site notice erected or fixed on any facility pursuant to article 8 shall be maintained in position where erected or fixed for at least 25 working days after the applicant has received an acknowledgement of receipt of a valid application from the local authority in accordance with article 12, 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.

(5) Notwithstanding sub-article (4), the removal of a site notice by any party other than the applicant or his or her agent or the local authority or, as the case may be, the Agency, is an offence under these Regulations.

Making of an application to a local authority for a waste facility permit

9. An application for a waste facility permit shall be made in writing, or other form of notification including electronic means, as may be agreed by the local authority, to the principal office of the local authority in whose functional area the waste facility is located.

Contents of an application for a waste facility permit

10. (1) An application for a waste facility permit shall contain the following information—

(*a*) the full name of the applicant(s),

(*b*) all trade names used or proposed to be used by the applicant(s),

(*c*) confirmation of the legal interest of the applicant(s) in the land on which the proposed facility is located,

(*d*) the address of the principal place of business of the applicant(s) and, where applicable, the telephone number, telefax number and e-mail address of the applicant(s), and, if different, any address to which correspondence relating to the application should be sent,

(*e*) if the applicant(s) is a partnership, the name and address of each partner,

(*f*) if the applicant(s) is a body corporate, the address of its registered or principal office and the name and address of any person who is a director, manager, company secretary or other similar officer of each body corporate,

(*g*) details of the town-land and postal address of the location of the facility to which the application relates,

(*h*) a copy of the appropriate certificate issued by the Companies Registration Office,

(*i*) the specified Company Registration or Trade Name if trading under a name,

(*j*) a description of the nature of the waste-related activity which is proposed to be carried on within the facility,

(*k*) five copies of the appropriate plans and maps relating to the facility, including

(i) site location map,

(ii) proposed layout plan of facility,

(iii) a clear delineation of the site boundaries, and

(iv) particulars of:

(A) Ordnance Survey Sheet Reference Number(*s*),

(B) Elevation Levels (metres) and Ordnance Datum used,

(C) Dimensions (metres), and

(D) Orientation of North Point,

(*l*) the specified class or classes of activity concerned, in accordance with

(i) the third and fourth schedules of the Act, and in the case of two or more activities identify the principal activity, and

(ii) Part I of the third schedule of these Regulations, and in the case of two or more activities identify the principal activity,

(*m*) details of the quantity of waste (in tonnes or cubic metres or number of units as appropriate to the waste stream concerned) and the nature of the waste or wastes, which will be recovered or disposed of, as the case may be, including—

(i) European Waste Catalogue Code(*s*) and description(*s*) pursuant to Commission Decision 2001/118/EC of 16 January 2001 or subsequent list as may be amended from time to time, and

(ii) particulars of the manner in which accurate records of the types and quantities of waste accepted at the facility will be measured,

(*n*) a description of the plant, methods, processes and operating procedures for the activity,

(*o*) particulars of the source, location, nature, composition, quantity, level and rate of emissions arising, or which will arise, from the activity and, where relevant, the period or periods during which such emissions are made or are to be made,

(*p*) an identification of the proposed monitoring and sampling points and details of the proposed arrangements for the monitoring of emissions and the environmental consequences of any such emissions,

(*q*) a description of 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,

(*r*) the expected lifetime of the facility or activity,

(*s*) particulars in respect of such matters affecting the ability of the applicant(*s*) to

meet the financial commitments or liabilities which will be entered into or incurred by the person(*s*) in carrying on the activity or in ceasing to carry on the activity at the facility,

(*t*) planning permission number, or planning application number, or if applicable copy of certificate of exemption issued by the relevant planning authority,

(*u*) declaration from the Agency (if appropriate) that the proposed activity requires a waste facility permit,

(*v*) details of any proposed traffic management system,

(*w*) in the case of an application for a waste facility permit which involves the biological treatment of animal by-products within the meaning of Regulation (EC) No. 1774/2002 laying down health rules concerning animal by-products not intended for human consumption, details of any application made to the Minister for Agriculture and Food for a veterinary authorisation for the facility,

(*x*) in the case of an activity involving the improvement or development of land—

(i) details of the existing and final profiles and contours of the land,

(ii) a statement of whether the facility is located in, on or adjacent to, or impinges upon, a European site, and

(iii) a facility closure plan.

(*y*) details of the biodiversity of the land,

(*z*) where appropriate, details of discussions or correspondence which have taken place with the Minister for the Environment, Heritage and Local Government,

(aa) in the case of a facility which is situated in the immediate catchment of a watercourse, details of the flood studies which have been undertaken to ensure that the potential for increased run-off or contamination of the watercourse is adequately mitigated,

(bb) where appropriate, in the case of onward transport of waste from the facility, details of all other facilities which are proposed to be used to receive such waste,

(cc) any other information which the local authority considers necessary to determine the application,

(dd) information in relation to any offence, prescribed under article 19(3)(*a*), of which the applicant has been convicted within the period of ten years prior to the making of the application, including information in relation to the court hearing the case, the nature of the offence and any penalty or requirement imposed by the court,

(ee) information in relation to the terms of any requirement imposed on the applicant by order of a court under the Act,

(ff) description of the waste acceptance procedures to be established and applied,

(gg) description of the proposed measures to be taken to prevent unauthorised waste disposal or litter abatement at the facility,

(hh) description of the proposed measures to be taken for vermin control at the facility.

(2) The information to be provided under paragraphs (ee) and (ff) of sub-article (1) shall

(*a*) in a case where the applicant is a body corporate, include such information in relation to the applicant and to—

(i) each director, manager, company secretary or other similar officer of that body corporate, and

(ii) each body corporate in relation to which a director, manager, company secretary or other similar officer of the applicant body corporate is, or was, at any time during the period of 10 years prior to the making of the application, a director, manager, company secretary or other similar officer.

(*b*) in a case where the applicant is a person or a partnership, include such information in relation to the applicant and each body corporate in which the person or any partner, as the case may be, is, or was, at any time during the period of 10 years prior to the making of the application, a director, manager, company secretary or other similar officer.

(3) An application shall be accompanied by—

(*a*) a copy of the relevant page of the newspaper, or newspapers, in which the notice in accordance with articles 7 and 8 has been published,

(*b*) a copy of the text of the notices erected or fixed in accordance with articles 7 and 8,

(*c*) a copy of such plans, including a site plan, location map, and Ordnance Survey sheet number, and levels referring to ordnance datum status and such other particulars, reports and supporting documentation as are necessary to identify and describe, as appropriate—

(i) the position of the notice which has been erected or fixed in accordance with article 8,

(ii) the point or points from which emissions are made or are proposed to be made, and

(iii) the point or points at which monitoring and sampling are to be undertaken,

(*d*) a copy of current tax clearance/C2 certificate issued to the applicant by the Revenue Commissioners or, where the applicant is ordinarily resident outside the State, an appropriate certificate from the relevant tax authorities,

(*e*) a copy of proof of company registration and trade name where applicable, and

(*f*) the fee payable in accordance with article 42 and as set out in the fifth schedule.

Declarations on waste licences, waste facility permits or certificates of registration

11. (1) If an applicant has doubts concerning whether a proposed activity or activities shall be regarded as a licensable activity under section 39(1) of the Act or as requiring a waste facility permit or certificate of registration under these Regulations, or as none of these, the applicant shall make a request to the Agency to determine the question in advance of the submission of an application for a waste facility permit or a certificate of registration under these Regulations.

(2) Where an applicant has not made a request to the Agency in accordance with sub article (1) and, upon receipt of an application by a local authority for a waste facility permit or a certificate of registration, the local authority has doubts concerning whether a proposed activity or activities shall be regarded as a licensable activity under section 39(1) of the Act or as requiring a waste facility permit or certificate of registration under these Regulations, or as none of these, the local authority shall—

(*a*) make a written request to the Agency to determine the question, and

(*b*) shall not consider the application until such a determination has been notified to the local authority in writing by the Agency.

(3) The Agency shall make a determination and shall notify the appellant in writing within 15 working days of the receipt of any requests received under sub-articles (1) and (2).

(4) The Agency—

(*a*) may determine, in consultation with the relevant local authority, whether an activity shall be regarded as a licensable activity under section 39(1) of the Act or as requiring a waste facility permit or certificate of registration under these Regulations, or as none of these, and

(*b*) shall, where such a determination does not correspond to the current waste authorisation in the case of an existing facility, notify the local authority and, as appropriate, the permit holder or the registration holder of the determination which has been made.

(5) Where, in the case of a permit holder or a registration holder, the Agency makes a determination that an activity shall be regarded as a licensable activity under section 39(1) of the Act or as requiring a waste facility permit for the purposes of sub-article (4)

—

(*a*) an activity the subject of a waste facility permit which has been determined by the Agency to now require a waste licence in accordance with the Waste Management (Licensing) Regulations 2004, as may be amended from time to time, shall remain valid if an application for a waste licence is made to the Agency within 120 working days of the date of notification in writing of a determination by the Agency, until such time as a decision is taken to grant or to refuse a waste licence under article 34 of the Waste Management (Licensing) Regulations 2004, as may be amended from time to time, or the permit is reviewed under article 36, or

(*b*) an activity the subject of a certificate of registration which has been determined by the Agency to now require a waste licence in accordance with the Waste Management (Licensing) Regulations 2004, as may be amended from time to time, shall remain valid if an application for a waste licence is made to the Agency within 120 working days of the date of notification in writing of a determination by the Agency, until such time as a decision is taken to grant or to refuse a waste licence under article 34 of the Waste Management (Licensing) Regulations 2004, as may be amended from time to time, or until the certificate of registration has been reviewed under article 38, or

(*c*) an activity the subject of a certificate of registration which has been determined by the Agency to now require a waste facility permit, shall remain valid if an application for a waste facility permit is made to the Agency within 60 working days of the date of notification in writing of a determination by the Agency, until such time as a decision is taken to grant or to refuse a waste facility permit under article 18 of these Regulations, or the certificate of registration has been reviewed under article 38, or

(*d*) an activity the subject of a waste licence which has been determined by the Agency to now require a waste facility permit or a certificate of registration shall remain in force until such time as the waste licence is revoked or surrendered in accordance with the Waste Management (Licensing) Regulations 2004,

(*e*) an activity the subject of a waste facility permit which has been determined by the Agency to now require a certificate of registration shall remain in force until such time as the waste facility permit is revoked or surrendered or falls to be reviewed under these Regulations,

(6) Where the Agency makes a determination in accordance with sub-articles (1), (2) or (4), the determination shall be final.

Procedure on receipt of an application for a waste facility permit

12. (1) On receipt of an application for a waste facility permit, a local authority shall—

(*a*) immediately stamp the application with the date of receipt and assign a reference number to the application, and,

(*b*) notify the applicant in writing that the application has been received by the

authority.

(2) Within a period of 10 working days following receipt of an application for a waste facility permit, a local authority shall—

(i) decide whether the requirements of articles 7, 8 and 10 have been complied with, and

(ii) comply with the relevant requirements of article 12 of the Waste Management (Register) Regulations 1997 [53] .

(3) Where a local authority refers an application for a waste facility permit to the Agency for a determination under sub-article 11(2), the period specified in sub-article (2) shall not commence until such time as a determination has been notified to the local authority by the Agency in accordance with sub-article 11(3).

(4) Where—

(*a*) a period of more than 10 working days has elapsed between the publication in a newspaper of a notice in accordance with article 8 and the making of the relevant application, or

(*b*) it appears to the local authority that any notice published pursuant to article 8 does not comply with the provisions of article 8, or is, because of its content or for any other reason, misleading or inadequate for the information of the public,

the local authority shall require the applicant to publish such further newspaper notice in such manner for such period and under 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. No further consideration will be given to the application by the local authority until the applicant has complied with the terms of such notice.

(5) Where—

(*a*) a period of more than 10 working days has elapsed between the erection or fixing of a site notice pursuant to articles 7 and 8 and the making of the relevant application, or

(*b*) it appears to the local authority that the site notice does not comply with the requirements of article 8 or is, because of its content or for any other reason, misleading or inadequate for the information of the public,

the local authority may, by notice in writing, require the applicant to erect or fix such further site notice in such manner, by such time and 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. The local authority shall not further consider the application until the applicant has complied with the terms of such notice.

(6) The local authority shall not serve a notice under sub-articles (4) or (5) any later than 5 working days after the making of its decision in accordance with sub-article (2).

(7) Where a local authority reasonably considers that any of the requirements of article 10 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, and by notice in writing within 5 working days of making its decision—

(*a*) inform the applicant of such failure of compliance and advise that the application is invalid and cannot be considered further by the local authority, or

(*b*) require the applicant, within a period of 25 working days from the date of the notice, to take such steps or furnish such submissions, plans, documents or other information and particulars, as the local authority considers are necessary for compliance with the said requirements.

(8) The local authority shall not serve a notice under sub-article 7 any later than 10 working days after the making of its decision in accordance with sub-article (2).

(9) Where a local authority serves a notice in accordance with sub-article (7), and the applicant fails to comply with the requirements specified therein, the local authority may, by notice in writing, within 5 working days of making its decision, inform the applicant of such failure of compliance and that the application is invalid and cannot be considered by the authority.

(10) Where, in accordance with sub-articles (7)(*a*) and (9), a local authority informs an applicant that an application is invalid, it shall return to the applicant all documentation which was submitted to the local authority in relation to the application.

(11) Where a local authority considers, in accordance with sub-article (2), that the requirements of articles 7, 8 and 10 have been complied with in respect of an application, it shall, within 5 working days of making its decision,

(*a*) send to the applicant an acknowledgement of receipt of a valid application,

(*b*) notify the Agency that a valid application has been received and send a copy of the application to the Agency,

(*c*) notify the Minister for Agriculture and Food, where the application is made for a waste facility permit which is concerned with the composting of animal by-products within the meaning of Regulation (EC) No. 1774/2002, and such notice shall be accompanied by a copy of the said application,

(*d*) in the case of an application which is concerned with the development or improvement of land, where the—

(i) applicant states in article 10(1) that the facility is located in, on or adjacent to, or impinges upon a European site, or

(ii) local authority considers, in its reasonable opinion, that the facility has the potential to impinge upon a European site,

the local authority shall notify the Minister for the Environment, Heritage and Local Government that the application has been made and such notice shall be accompanied by a copy of the said application.

(12) Before it gives notice of a decision under article 18, the local authority shall have regard, within a period of 25 working days from the date of a relevant notification under sub-articles (11)(*c*) or (11)(*d*), to any written submission received from the Minister for Agriculture and Food or Minister for the Environment, Heritage and Local Government.

(13) Where the Minister for Agriculture and Food or the Minister for the Environment, Heritage and Local Government specifically states that particular matters raised in their submission to the local authority are required for compliance with relevant veterinary or conservation legislation or the implementation of strategic or statutory plans, the local authority must incorporate conditions in the waste facility permit to give effect to such matters.

Further information

13. (1) Without prejudice to the provisions of article 12(11), a local authority may, by notice in writing, require the applicant to—

(*a*) furnish such further information or particulars relating to the application, including information on any investigations required under article 17, as it considers necessary to enable it make a decision in respect of the application, or

(*b*) 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) A notice under sub-article (1) shall not be served by a local authority more than 25 working days after the date of issue by the local authority, in accordance with article 12(11), of an acknowledgment of the receipt of a valid application.

(3) Not withstanding article 44, where there is a failure or refusal to comply with a requirement of a local authority under sub-article (1) within 25 working days of the date of notice of such requirement, the local authority may, if it thinks fit, proceed with its consideration of the application in the absence of the information, particulars or evidence specified in the requirement and make a decision in relation to the application and notify the applicant under article 18 of that decision.

Availability and inspection of documents

14. (1) Where a local authority receives an application it shall make available for

public inspection, as soon as may be.

(2) Where a local authority considers in its reasonable opinion that the application is valid in accordance with the requirements of article 12, it shall make available for public inspection in accordance with this article—

(*a*) a copy of any correspondence or notifications under article 11,

(*b*) information and particulars received in relation to the application pursuant to any written notice under article 12,

(*c*) further information provided by the applicant pursuant to a notice in writing under article 13(1),

(*d*) submissions received in relation to the application pursuant to article 15,

(3) The documents and information specified at sub-article (1) shall be made available for public inspection during office hours at the principal office of the local authority from as soon as may be after making a decision under article 12 that the application is valid.

(4) During the period specified in sub-article (2), a copy of the application, or any extract therefrom, shall be made available on request during office hours at the principal office of the local authority for inspection or purchase at such charge (if any), not exceeding the reasonable cost of making such copies, as the local authority may determine.

Submissions to a local authority regarding an application for a waste facility permit

15. (1) Any person may, on his or her initiative, or at the invitation of the local authority within a period of 25 working days following the making available for inspection by a local authority of an application, make a written submission to the local authority in relation to the said application, and the local authority shall have regard to the submission in making its decision on the application.

(2) The local authority shall, as soon as may be after receipt of a submission under sub-article (1)—

(*a*) notify the person in writing that the submission has been received by the local authority,

(*b*) notify the applicant in writing that the submission has been received by the local authority, and has been made available for inspection in the principal office of the local authority from a specified date, and

(*c*) make the submission available for public inspection in accordance with article 14.

(3) An applicant may make a submission in writing to the local authority in relation to any submission received by the local authority under sub-article (1) within a period of 25 working days of the date of its notification to the applicant.

Period for determination of an application for a waste facility permit

16. (1) A local authority shall not, subject to sub-article (2), grant or refuse to grant a waste facility permit until after the expiration of 25 working days beginning on—

(*a*) the date of receipt by the authority of a valid application under article 12(2), or

(*b*) in a case where the applicant has been required to provide further information or particulars under articles 12 or 13, the day of receipt by the authority of such information or particulars,

by whichever date is the later.

(2) In exceptional circumstances, the local authority may grant a waste facility permit prior to the 25 working day period if, in the reasonable opinion of the local authority, such facilities are required urgently to prevent environmental pollution.

(3) Subject to sub-article (4), a local authority shall make a decision in relation to an application for a waste facility permit as expeditiously as possible and, in any event, grant, with or without conditions, or refuse to grant a waste facility permit—

(*a*) within a period of 40 working days from—

(i) the date of the receipt of a valid application in accordance with articles 12(1) and 12(2), or

(ii) the date of the receipt of further information or particulars from the applicant pursuant to a notice served under articles 12(7)(*b*) or 13(1), or

(*b*) within a period of 25 working days of the date of receipt of any submission received by the local authority under and in accordance with article 15, or

(*c*) within a period of 25 working days from the date on which investigations as may be required under article 17 are completed,

whichever period is the longest.

(4) Where it appears to a local authority that it would not be possible or appropriate, because of the particular circumstances of an application for a waste facility permit or because of the number of applications which have been submitted to the local authority,

to decide on an application within the period referred to in sub-article (3), the local authority shall, by notice in writing served on each party to the application before the expiration of that period, inform such party of the reasons why it would not be possible or appropriate to determine the application within that period and shall specify the date before which the authority intends that the application shall be determined.

(5) Where a notice has been served under sub-article (4), the local authority concerned shall take all reasonable steps to ensure that the application is decided upon before the date specified in the notice.

Investigations concerning discharges to groundwater

17. (1) Where it appears to a local authority or, as the case may be, the Agency that an activity, which is the subject of an application for a waste facility permit or a certificate of registration, 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 [54] , or

(*b*) the direct or indirect discharge into groundwater of a substance for the time being specified in List II of the said Annex,

the local authority or, as the case may be, the Agency shall, before it grants a waste facility permit or a certificate of registration, 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 3, 4, 5 and 7 of the aforesaid Directive.

(2) Notwithstanding the entry into force of Directive 2006/118/EC [55] , the local authority or, as the case may be, the Agency shall, in respect of any authorisation procedure completed before 22 December 2013 for an activity to which sub-article (1) applies, 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 3, 4, 5 and 7 of Directive 80/68/EEC before it grants a waste facility permit or a certificate of registration.

Determination and notice of decision of grant or refusal in relation to a waste facility permit

18. (1) A local authority may, on application being made to it, grant a waste facility permit in accordance with these Regulations, or refuse to grant such a permit, in relation to the carrying on by the applicant of an activity specified in Part 1 of the third schedule at a facility located in the functional area of the said local authority.

(2) Where considered necessary a local authority shall physically inspect a facility or, as the case may be, a proposed facility, before deciding whether to grant or refuse an application for a waste facility permit.

(3) A waste facility permit shall be granted for a period of 5 years, unless the applicant can demonstrate to the satisfaction the local authority that a shorter period is appropriate.

(4) A local authority shall not grant a waste facility permit unless it is satisfied that—

(*a*) the activity concerned, carried on in accordance with such conditions as are attached to the waste facility permit, will not cause environmental pollution,

(*b*) any emissions from the activity concerned will not result in the contravention of any relevant standard, including any standard for an environmental medium, or any relevant emission limit value, prescribed under any enactment,

(*c*) best available techniques will be used to prevent or eliminate or, where that is not practicable, to limit, abate or reduce an emission from the activity concerned,

(*d*) the facility is compliant with planning or is exempt from planning permission under Section 5 of the Planning and Development Act 2000 , and

(*e*) the applicant is a fit and proper person.

(5) A local authority shall, as soon as may be after making a decision under article 16(3) of these Regulations in relation to an application, give notice in writing of the decision to the applicant, to any person who made a submission in relation to the application in accordance with article 15, and to the Agency in accordance with the requirements of article 24(1), and, where appropriate, to the Minister for Agriculture and Food in accordance with article 24(2).

(6) A notification to an applicant, permit holder, the Agency or the Minister for Agriculture and Food under sub-article (5) of a decision to grant a waste facility permit shall be accompanied by a copy of the said waste facility permit.

(7) A notification under sub-article (5) of a decision to grant a waste facility permit shall state that a copy of the said permit will be available for inspection or purchase during office hours at the principal office of the local authority and the said authority shall arrange accordingly.

(8) A notification under sub-article (5), of a decision of a refusal to grant a waste facility permit, to an applicant or waste facility permit holder shall include a reference to the right of appeal to a court of competent jurisdiction against such a decision and, on hearing the appeal, the court may confirm, annul or amend the decision.

(9) For the purposes of sub-article (5), in the case of a submission signed by more than one person, the local authority shall give notice only to the person who forwarded, or appears to the authority to have forwarded, that submission to the said authority.

Conditions which shall be attached to a waste facility permit

19. (1) A local authority shall attach to each waste facility permit granted by the authority—

(*a*) such conditions as are, in the reasonable opinion of that authority, necessary to give effect to the provisions of the Community Acts specified in the second schedule, insofar as such provisions are relevant to the waste related activity concerned.

(*b*) such conditions as are necessary, in the reasonable opinion of the authority—

(i) to give effect to the objectives of the relevant Waste Management Plan or the National Hazardous Waste Management Plan, as the case may be, or

(ii) for the purposes of article 18(4), or

(iii) to prevent the disposal of waste which has previously been collected in source-segregated form in order to facilitate recycling or to prevent the collection, transport, handling or mixing of waste in a manner so as to make it unsuitable for recycling or recovery.

(*c*) conditions requiring the making of payments by the holder of the waste facility permit to the authority to defray such costs as may reasonably be incurred by the authority in inspecting, monitoring, auditing, enforcing or otherwise performing any functions in relation to the activity concerned, other than required under article 10(3)(*f*) in accordance with the fifth schedule, and which costs shall not exceed the actual expenditure reasonably incurred by the authority.

(*d*) conditions relating to the waste acceptance requirements to be applied at the facility, including details of—

(i) the nature and types of wastes which may/ may not be accepted,

(ii) the days and times at which acceptance of waste is/is not permitted at the facility,

(iii) waste inspection procedures,

(iv) waste acceptance and handling procedures,

(v) waste sampling, analysis and characterisation procedures,

(vi) requirements for pre-treatment of wastes,

(vii) waste quarantine arrangements,

(viii) waste rejection and notification procedures, and

(ix) other appropriate procedures and arrangements relating to the acceptance

of waste.

(*f*) conditions relating to the existing or proposed measures, including emergency procedures, to prevent unauthorised emissions and minimise the impact on the environment of any such emissions,

(*g*) conditions relating to the prevention of unauthorised fly-tipping at the facility,

(*h*) conditions to provide financial security or a bond where it is considered necessary to ensure rehabilitation of the site when activities cease.

(2) For the purpose of the attachment by a local authority of conditions to a waste facility permit that may be granted by it in respect of an activity which involves the holding of waste oils, the authority shall take such steps as are necessary for the purposes of compliance with article 13.2 of Council Directive 75/439/EEC, as amended by Council Directive 87/101/EEC of 22 December 1986 [56] .

(3) A local authority shall attach to each waste facility permit granted by the authority such conditions requiring the person to whom the said permit is granted to—

(*a*) notify the authority within five working days of—

(i) the imposition of any requirement on that person by order under the Act, or

(ii) any conviction of that person for an offence prescribed under the Act,

(*b*) hold or cause to be held a copy of the said permit at all times at the facility which is used for the purposes of the activity to which the waste facility permit relates, and

(*c*) compile and maintain specified records in a specified format for a period of not less than 7 years in relation to the activity to which the waste facility permit relates of—

(i) the types and quantities of waste dealt with in the course of business (including European Waste Catalogue Code(*s*) and description(*s*) pursuant to Commission Decision 2001/118/EC of 16 January 2001 or subsequent amendments),

(ii) the treatment, recovery or disposal activities to which the waste is subject, including the compilation of commercial documentation for all collected waste deposited at the facility, and

(*d*) not later than the 28th day of February in each year, to furnish to the local authority, in such form as may be specified, an Annual Environmental Report containing summary information in relation to the preceding calendar year or part thereof as the case may be, in respect of the activities specified in sub-article (*c*).

(4) A local authority shall attach to each waste facility permit that may be granted by it such conditions as are, in the opinion of that authority, necessary to ensure the proper

enforcement of the waste facility permit.

Conditions which may be attached to a waste facility permit

20. (1) A local authority may attach to any waste facility permit granted by the authority conditions—

(*a*) requiring the waste facility permit holder to provide a system to verify the completeness and accuracy of records on the nature, types and quantities of waste accepted at the facility,

(*b*) to encourage the sound environmental management of waste and in particular to encourage waste prevention, re-use, recycling and recovery, including the establishment of performance targets for the levels of recycling and recovery of waste

(*c*) regarding the collection, maintenance and reporting, in a specific format, of data or records necessary to monitor compliance with targets set in Directive 94/62/EC of the European Parliament and of the Council of 20 December 1994 on packaging and packaging Waste, as amended by Directive 2004/12/EC of the European Parliament and of the Council of 11 February 2004,

(*d*) regarding the collection, maintenance and reporting, in a specific format, of data or records necessary to monitor compliance with targets set in the WEEE Directive,

(*e*) regarding the collection, maintenance and reporting, in a specific format, of data or records necessary to monitor compliance with targets set in Directive 2000/53/EC of the European Parliament and Council of 18 September 2000 on end of life vehicles, as amended by Commission Decision 2005/673/EC of 20 September 2005,

(*f*) regarding the collection, maintenance and reporting, in a specific format, of data or records necessary to monitor compliance with targets set in Directive 206/66/EC of the European Parliament and the Council of 26 September 2006 on batteries and accumulators and waste batteries and accumulators and repealing Directive 91/157/EEC,

(*g*) regarding the collection, maintenance and reporting, in a specific format, of data or records necessary to monitor compliance with targets set for the management of construction and demolition waste in national waste management policy and legislation,

(*i*) requiring each vehicle operating at the facility to be fitted with electronic tracking technology which facilitates the surveillance operations of the authority in monitoring compliance of the permit holder with the requirements of the waste facility permit,

(*j*) requiring the maintenance of waste records and the provision of these to the local authority to support the National Database on Waste in a format, as may be

specified by the Agency,

(*k*) regarding the collection, maintenance and reporting, in a specific format, of data or records necessary to monitor compliance with targets set in Regulation (EC) No 850/2004 of the European Parliament and the Council of 29 April 2004 on persistent organic pollutants and amending Directive 79/117/EEC (O.J. No. L229/5 of 29 June 2004) as amended by Council Regulation (EC) No. 1195/2006 (O.J No. L55/1 of 23 January 2007) and Council Regulation (EC) No. 172/2007 O.J. No. L272/19, 27 December 2006 (O.J. No. L217/1, 8 August 2006), and

(*l*) regarding the collection, maintenance and reporting, in a specific format, of data or records necessary to monitor compliance with targets set for the management of waste tyres in national waste management policy and legislation.

(2) Conditions requiring the installation of closed circuit recordings and data surveillance management systems at the facility and the maintenance of all such records for such reasonable period as may be determined by the local authority.

(3) Conditions requiring the local authority to be informed when the activity ceases at the facility.

(4) A local authority may attach to any waste facility permit granted by it conditions concerning the establishment and maintenance of environmental management systems which shall set out an action plan to address a 5-year period and shall be updated on an annual basis and such environmental management systems may—

(*a*) set out specific objectives,

(*b*) contain measurable targets,

(*c*) contain a requirement to comply with any written guidance issued by the local authority or the Agency, and

(*d*) contain a requirement for prior agreement with the local authority.

Conditions relating to the operation of mobile plant

21. (1) In addition to the provisions of articles 19 and 20, a local authority may attach to a waste facility permit that may be granted by it conditions authorising the operation of mobile plant at more than one facility.

(2) A local authority shall not grant a reviewed waste facility permit providing for the cessation of use of mobile plant at a facility or facilities unless it is satisfied that the condition of the relevant facility or facilities is not causing or likely to cause environmental pollution.

(3) Where a local authority grants a waste facility permit in respect of the carrying on of waste recovery activities at a facility, being a facility to which a waste facility permit

in relation to the operation of mobile plant already applies, any conditions of the waste facility permit first granted which relate to the operation of the said mobile plant at the facility in question shall cease to have effect.

Offences for the Purpose of articles 36 and 38

22. It is hereby prescribed that, notwithstanding the revocation of any Regulations specified hereunder, subject to any amendments which may be made to the regulations from time to time—

(*a*) an offence under article 3(2) or 5(4) of the European Communities (Waste) Regulations 1979 [57] ,

(*b*) a contravention of article 5 or 6 of the European Communities (Toxic and Dangerous Waste) Regulations 1982 [58] ,

(*c*) a contravention of article 4, 5 or 8 of the European Communities (Waste Oils) Regulations 1992 [59] ,

(*d*) an offence under article 12 of the European Communities (Transfrontier Shipment of Waste) Regulations 1994 [60] ,

(*e*) a contravention of the Waste Management (Movement of Hazardous Waste) Regulations 1998 [61] ,

(*f*) a contravention of articles 6 or 8 of the Waste Management (Miscellaneous Provisions) Regulations 1998 [62] ,

(*g*) an offence under Sections 14(6), 18(2), 18(8), 28(6), 29(6), 32(6), 34(1), 36(3) or 39(9), 53C(4), 53F, 53I(6), 53J(6), 53K(5), 53L(5) or 53M(5) of the Act, or as appropriate, any appropriate section or Part, concerning producer responsibility obligations, that may be inserted into the Act from time to time,

(*h*) an offence under Sections 3, 4, 6, 10, 12, 14, 16, 19, 23, 26A, 27 or 28 of the Local Government (Water Pollution) Act 1977 [63] ,

(*i*) an offence under Sections 21, 21A or 23 of the Local Government (Water Pollution) (Amendment) Act, 1990 [64] ,

(*j*) an offence under Sections 171 or 172 of the Fisheries (Consolidation) Act, 1959 [65] ,

(*k*) an offence under Section 24 of the Air Pollution Act, 1987 [66] ,

(*l*) an offence under the Litter Pollution Acts, 1997 — 2003 [67] ,

(*m*) an offence under articles 18 and 26 of the Waste Management (End of Life Vehicles) Regulations, 2006 [68] ,

(*n*) an offence under article 9 of the European Communities (Batteries and Accumulators) Regulations, 1994 [69] , or as appropriate

(*o*) an offence under article 43 of these Regulations

shall be an offence for the purposes of articles 36 and 38

Amendment to the Waste Management Act 1996

23. Section 51(2)(*a*) of the Waste Management Act, 1996 is herby amended by the substitution of the following sub-paragraph for sub-paragraph (i):

(i) sludge for use in agriculture.

Notice and information to the Agency and the Minister for Agriculture and Food

24. (1) A local authority shall—

(*a*) by notice in writing, or in such a manner as may be specified by the Agency, inform the Agency in accordance with article 18(4), within 10 working days, of any waste facility permit or certificate of registration granted by the authority, and

(*b*) furnish such information, in such form and at such frequency as may be specified by the Agency for the purpose of this article, in relation to activities carried on in the functional area of the authority by persons to whom waste facility permits or certificate of registrations have been granted by the authority,

(2) Where a waste facility permit is issued which involves the biological treatment of animal by-products within the meaning of Regulation (EC) No. 1774/2002 laying down health rules concerning animal by-products not intended for human consumption, the local authority shall also notify the Minister for Agriculture and Food and include a copy of the said permit.

Notice and information to the local authority regarding a waste facility permit

25. (1) A permit holder shall give notice in writing to the local authority which granted the said permit of any changes in the information furnished to that local authority under article 10(1), in advance of any such change coming into effect.

(2) Where the notification under sub-article (1) identifies a material or significant change in the nature, extent or focus of the waste-related activities or in the nature or

extent of any emission concerned, the permit holder shall obtain the written agreement of the local authority before implementing such operational changes to the waste-related activity.

Amendments to a waste facility permit of a clerical or technical nature

26. (1) Notwithstanding the requirements pursuant to articles 30 and 31 or of any other provision concerning the recovery and disposal of waste, a local authority may amend a waste facility permit for the purposes of—

(*a*) correcting any clerical error therein,

(*b*) facilitating the doing of any thing pursuant to a condition attached to the waste facility permit where the doing of that thing may reasonably be regarded as having been contemplated by the terms of the condition or the terms of the permit taken as a whole but which was not expressly provided for in the condition,

(*c*) updating the conditions attached to the waste facility permit to take account of scientific or technological progress,

(*d*) facilitating the application of new, or the amending of existing procedures and conditions to the waste facility permit which are necessary for the operation of the facility in accordance with new or revised requirements, including any such conditions as are deemed necessary by the local authority, to facilitate compliance by the permit holder with any minimum technical requirements that may be established, or amended, arising from the introduction of new, or amendments to existing Community acts, or

(*e*) otherwise facilitating the operation of the waste facility permit.

(2) The local authority shall ensure that the making of any amendment under sub-article (1) does not result in the relevant requirements of sub-article 18(4) ceasing to be satisfied.

(3) The local authority shall, where appropriate, consult with the holder of the waste facility permit before exercising its powers under sub-article (1).

(4) The local authority shall, as soon as may be after the exercise of the power under sub-article (1), notify particulars of the amendment effected by that exercise to—

(*a*) the Agency, and

(*b*) the Minister for Agriculture and Food, as appropriate, in the case where the waste facility permit is concerned with the treatment of animal by-products within the meaning of Regulation (EC) No. 1774/2002.

(*c*) the Minister for the Environment, Heritage and Local Government, as appropriate, in the case where the waste facility permit is concerned with the

development or improvement of land which has the potential to impinge upon a European site.

Transfer of a waste facility permit

27. (1) A waste facility permit may be transferred from the permit holder to another person in accordance with this article.

(2) Where the holder of a waste facility permit desires that the said permit be transferred to another person, the permit holder and the proposed transferee shall jointly make an application to the local authority requesting that such a transfer be effected by the authority.

(3) An application under sub-article (2) shall be made in such form and include such information as may be required by the local authority and shall be accompanied by the fee as set out in the fifth schedule.

(4) The local authority may require the provision of such further information by the permit holder or the proposed transferee as it considers appropriate for the purposes of dealing with an application made by them under this article.

(5) If, on consideration of an application under sub-article (2), and any relevant information provided in respect thereof, the local authority is satisfied that the proposed transferee would, if he or she were an applicant for the waste facility permit, be regarded by it as being a fit and proper person to be granted a like waste facility permit under article 18 for the waste facility concerned, it shall effect a transfer of the waste facility permit to the proposed transferee.

(6) A person to whom a waste facility permit is transferred under this article shall be deemed to have assumed and accepted all liabilities, requirements and obligations provided for, in or arising under, the waste facility permit, regardless of how and in respect of what period, including a period prior to the transfer of the waste facility permit, that may arise.

Withdrawal or abandonment of an application for a waste facility permit

28. (1) Without prejudice to an applicant's liability under article 44(2), an application may be withdrawn at any time before the making of the decision by the local authority on the application.

(2) Where the local authority is of the opinion that an application has been abandoned, it shall give to the applicant a notice in writing stating that fact and requiring that person, within a period specified in the notice (being a period of not less than 10 or not more than 25 working days beginning on the date of the giving of the notice), to make to the local authority a submission in writing as to why the application should not be regarded as having been abandoned.

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

(4) Where an application is withdrawn under sub-article (1) or the local authority declares that an application shall be regarded as having being abandoned under sub-article (3), the local authority shall—

(*a*) return all documentation received pursuant to articles 9, 10, 11, 12 and 13 to the applicant, and

(*b*) have absolute discretion to refund all or part of the fee payable in accordance with article 42.

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

Surrender of a waste facility permit

29. (1) A waste facility permit may, subject to the agreement of the local authority, be surrendered at any time by notice in writing to the local authority of an application for the surrender for a waste facility permit.

(2) A waste facility permit shall, subject to the agreement of the local authority, be surrendered by notice in writing by the permit holder to the local authority when the—

(*a*) waste related activity ceases,

(*b*) waste facilty permit expires,

(*c*) waste facility permit is reviewed under article 36, or

(*d*) waste facility permit is refused under articles 18 or 36.

(3) A local authority shall not agree to the surrender of a waste facility permit unless it is satisfied that the condition of the facility is not causing or likely to cause environmental pollution and may carry out or cause to carry out such investigations as, are necessary, in the reasonable opinion of the local authority, to verify the condition of the facility.

(4) A local authority may, in agreeing to the surrender of a waste facility permit, attach conditions by way of a notice in writing to the permit holder, which shall be complied with by the person surrendering the permit.

(5) On surrender of the waste facilty permit notwithstanding the provisions of this article, the local authority may decide that any bond or financial security required under article 19(2)—

(*a*) shall be maintained in place for such period as the authority may require, or

(*b*) may be released to the permit holder.

(6) The making of an application for the surrender of a waste facility permit under this article, the revocation of the waste facility permit or the cessation of the activity to which a waste facility permit relates, shall in no way affect or diminish such conditions, requirements or obligations applying to or falling on the permit holder as are specified in or arise under the waste facility permit.

Notice from the local authority requiring a review of a waste facility permit

30. (1) Where–

(*a*) the local authorityhas reason to believe that a material change in the nature, focus or extent of the waste-related activity or in the nature or extent of any emission concerned has taken place to an extent which renders the conditions attached to the existing waste facility permit inappropriate, or

(*b*) an amendment to the waste management plan for the region concerned requires a review of the waste facility permit,

the local authority shall initiate a review of a waste facility permit granted by it at any time after the date on which the said permit was granted.

(2) Where a local authority proposes to review a waste facility permit under sub-article (1), it shall give notice in writing of such intention to the permit holder and to the Agency and the waste facility permit shall remain in force until such time as a reviewed waste facility permit is granted or refused pursuant to article 35 or the existing permit is revoked under article 36.

(3) A notice given under sub-article (2)—

(*a*) shall inform the permit holder of the intent of the local authority to review the existing waste facility permit,

(*b*) shall advise the permit holder that the local authority is available for pre-application consultations and that such course of action is recommended in order to assess the application for the review of a waste facility permit in terms of the procedures which are likely to apply to the review process under article 32.

(*c*) shall require the permit holder to make an application to the local authority for

a review of the waste facility permit,

(*d*) may specify such submissions, plans, documents, other information and particulars to be furnished with the application by the permit holder as the local authority considers necessary for the purposes of the proposed review,

(*e*) shall require the permit holder to pay the appropriate fee for the review of the waste facility permit in accordance with the fifth schedule as set out in article 42,

(*f*) may, in accordance with article 44(2), require the holder of a permit to defray or contribute towards any costs reasonably incurred by the local authority in respect of the proposed review and such costs shall not exceed the actual costs incurred,

(*g*) shall indicate that—

(i) a submission relating to the proposed review, including requirements specified by the local authority under sub-article 3(*d*), may be made by the waste facility permit holder in writing to the local authority within 25 working days of the date of the giving of the notice, and that the local authority shall not decide to amend conditions attached to, a waste facility permit which it has granted, before the expiry of the said period, and

(ii) where the permit holder does not make a submission in accordance with paragraph (i), the local authority shall revoke the existing waste facility permit it has granted and give notice in writing of the decision with the reasons for the decision to the waste permit holder and notify the applicant under article 18 of that decision.

(4) Where a waste facility permit has been revoked by a local authority, in accordance with this article, the former permit holder shall make an application to the local authority for the surrender of the waste facility permit in accordance with article 29.

(5) The former holder of a waste facility permit which has been revoked may, within a period of 30 working days, appeal to a court of competent jurisdiction against the revocation of the waste facility permit and, on hearing the appeal, the court may confirm or annul the revocation.

Application made by permit holder for the review of a waste facility permit

31. (1) A waste facility permit holder may, at any time, submit an application to a local authority to review a waste facility permit but in any event, in accordance with the provisions of article 35(8), no later than 60 working days before the date of expiry of an existing waste facility permit if it is to remain in force until such time as a reviewed waste facility permit is granted or refused under article 36 or, as the case may be, a new waste facility permit is granted under article 18, or the existing permit is revoked under article 36.

(2) Where a waste facility permit holder proposes to have an existing permit reviewed under sub-article (1), the permit holder shall—

(*a*) make an application to the local authority for a review of the waste facility permit,

(*b*) furnish such submissions, plans, documents, other information and particulars to the local authority as are necessary to support the application for the proposed review of the waste facility permit, and

(*c*) include payment of the appropriate fee for an application for the review of a waste facility permit as set out in the fifth schedule in accordance with article 42.

Procedures to be applied by the local authority in the determination of an application for the review of a waste facility permit

32. Where an application for the review of an existing waste facility permit has been received by a local authority under articles 30 and 31, the local authority shall notify the Agency of the review and—

(1) the local authority may decide, in its reasonable opinion, that—

(*a*) adequate information has been provided by the applicant and proceed to review the waste facility permit on the basis of the information received by it in accordance with the procedure set out in article 33, or as appropriate

(*b*) adequate information has been provided by the applicant, but that there is a need for a public consultation process on the basis of the changes proposed in the nature, focus or extent of the waste-related activities or in the nature or extent of any emission concerned, and—

(i) require the applicant to insert a public notice in either a national newspaper, or in newspapers circulating in the area in which the facility or premises is located, that an application for a review of the existing waste facility permit has been sent to the local authority, and

(ii) seek submissions on the application for the review of a waste facility permit from members of the public in accordance with the procedures set out in article 34, before making a decision on the review of the waste facility permit; or as appropriate.

(*c*) an application for a waste facility permit in accordance with articles 7, 8, 9 and 10 is warranted due to the nature, focus or extent of the waste-related activities or in the nature or extent of any emission concerned, proposed in the application for a review of a waste facility permit being so significantly changed from the existing permit.

(2) The local authority shall make a decision under this article on the procedures to apply to the review of the waste facility permit within 25 working days from the date of submission of an application for the review of a waste facility permit under article 31 or in response to a notice issued under article 30.

(3) Where a local authority decides under sub-article (1)(*c*) that an applicant for the review of a waste facility permit should make an application for a new waste facility permit in accordance with articles 7, 8, 9 and 10, the local authority shall notify the applicant in writing to this effect within 5 working days of making its decision.

(4) Where an applicant for the review of a waste facility permit receives a notification under sub-article (3), he or she may appeal to a court of competent jurisdiction against such a decision and, on hearing the appeal, the court may confirm or annul the decision.

Decision on an application for the review of a waste facility permit on the basis of particulars received from the applicant

33. Where the local authority considers, in its reasonable opinion, and following an assessment of any submissions, observations, documents, particulars, records and information received by it in relation to the application for the review of a waste facility permit, that the proposed review of the waste facility permit does not represent a significant change in the nature, focus or extent of the existing waste-related activities or in the nature and extent of any emission concerned, the local authority shall proceed to make a decision on the review of the waste facility permit review within 25 days working days on that basis.

Decision on an application for the review of a waste facility permit on the basis of particulars received from the applicant and other persons

34. (1) Notwithstanding article 32(1)(*c*), where the local authority considers, in its reasonable opinion, following an assessment of any submissions, observations, documents, particulars, records and information received by it in relation to the application for the review of a waste facility permit, that the proposed activities contain a significant change in the nature, focus and extent of the existing waste-related activities or in the nature or extent of any emissions concerned, the local authority shall —

(*a*) require the applicant to publish notice within 10 working days that an application has been made to the local authority for a review of the existing waste facility permit in either a national newspaper, or in newspapers circulating in the local authority area in whose functional area the facility is located.

(i) A notice published pursuant to this sub-paragraph shall—

(A) contain as a heading, and in uppercase, the words “APPLICATION TO [NAME OF THE LOCAL AUTHORITY] FOR THE REVIEW OF A WASTE FACILITY PERMIT”,

(B) give the name and the address of the principal place of business of the applicant,

(C) state the location or postal address of the facility to which the application for a review relates,

(D) give a brief description of the nature and purpose of the activity,

(E) state that an application for the review of the waste facility permit has been made to the above mentioned local authority,

(F) specify the class or classes of activity concerned, in accordance with —

(i) the third schedule and the fourth schedule of the Act and, in the case of two or more activities, identify the principal activity, and

(ii) part I of the third schedule of these Regulations and, in the case of two or more activities, identify the principal activity,

(G) state that a copy of the application for a review of the waste facility permit will be available for inspection or purchase at the principal office of the local authority and that any member of the public may, within a period of 25 working days of the date of the published notice, make a written submission to the local authority in relation to the said application for a waste facility permit review.

(*b*) make available for public inspection, as soon as may be, in accordance with this article—

(i) a copy of the application for the review of the waste facility permit, including the documents and information received therein,

(ii) submissions received from the public in relation to the application for review of the waste facility permit,

(*c*) arrange that a copy of the application for the review of a waste facility permit, or any extract therefrom, shall be made available for purchase, on request, during office hours at the principal office of the local authority, at such charge (if any), not exceeding the reasonable cost of making such copies, as the authority may determine.

(2) (*a*) Any person may, on his or her own initiative, or on the invitation of the local authority, within a period of 25 working days following the making available for inspection by a local authority of an application for a review of a waste facility permit, make a written submission to the authority in relation to the said application and the local authority shall have regard to the submission when making its decision on the application.

(*b*) The local authority shall, as soon as may be after receipt of a submission under sub-article (*a*)—

(i) notify the person in writing that the submission has been received by the local authority,

(ii) make the submission available for public inspection in accordance with sub article 34(1),

(iii) notify the applicant in writing that the submission has been received by the local authority and has been made available for inspection in the principal office of the local authority from a specified date,

(*c*) An applicant may make a submission in writing to the local authority in relation to any submission received under sub-article 2(*a*) within a period of 25 working days of the date of its notification to the applicant.

Determination and notice of grant or refusal of a reviewed waste facility permit

35. (1) Notwithstanding a decision under sub-article 32(3) to require an applicant for the review of a waste facility permit to make an application for a waste facility permit in accordance with articles 7, 8, 9 and 10, a local authority may, on application being made to it for the review of a waste facility permit, grant a reviewed waste facility permit in accordance with these Regulations, or refuse to grant such a permit, in relation to the carrying on by the applicant of a waste-related activity at the facility.

(2) A local authority shall make a decision in relation to an application for a review of a waste facility permit as expeditiously as possible and, in any event, grant, with or without conditions, or refuse to grant a review of a waste facility permit within a period of—

(*a*) 40 working days from the date of the receipt of an application for the review of a waste facility permit, or

(*b*) 25 working days from the date of receipt of any submission received under and in accordance with sub-article 34(2),

whichever period is the longest.

(3) Where it appears to a local authority that it would not be possible or appropriate, because of the particular circumstances of an application for the review of a waste facility permit or because of the number of applications which have been submitted to the authority, to decide on an application within the period referred to in sub-article (2), the local authority shall, by notice in writing served on each party to the application before the expiration of that period, inform such party of the reasons why it would not be possible or appropriate to determine the application within that period and shall specify the date before which the authority intends that the application shall be determined.

(4) Where a notice has been served under sub-article (3), the local authority concerned shall take all reasonable steps as are open to it to ensure that the application is decided upon before the date specified in the notice.

(5) A reviewed waste facility permit shall be granted for a period of 5 years, unless the applicant can demonstrate to the satisfaction the local authority that a shorter period is appropriate.

(6) A local authority shall not grant a reviewed waste facility permit unless it is satisfied that—

(*a*) the activity concerned, carried on in accordance with such conditions as are attached to the reviewed waste facility permit, will not cause environmental pollution,

(*b*) any emissions from the activity concerned will not result in the contravention of any relevant standard, including any standard for an environmental medium, or any relevant emission limit value, prescribed under any enactment, and

(*c*) best available techniques will be used to prevent or eliminate or, where that is not practicable, to limit, abate or reduce an emission from the activity concerned,

(*d*) the applicant is a fit and proper person, and

(7) Where an application is made under these Regulations for the review of an existing waste facility permit at least 60 working days before the expiry date of the permit, the waste facility permit shall remain in force until—

(*a*) a reviewed waste facility permit is granted or refused under sub-article (1), or

(*b*) an application for a waste facility permit is required under articles 7, 8, 9 and 10 and is granted or refused under article 18, or

(*c*) the existing permit is revoked under article 36.

(8) Where an application is not made for the review of an existing waste facility permit-

(*a*) at least 60 working days before the expiry date of the permit, or

(*b*) in the case of notification by the local authority under article 32(5) that an application for a waste facility permit is required in accordance with articles 6, 7, 8 and 10, at least 60 working days from the date of issue of this notification,

the existing waste collection permit shall cease to have effect after the expiry date and the person shall not engage in waste-related activities at the facility until such time as a waste permit is granted in accordance with article 18 or, as the case may be, a reviewed waste facility permit is granted in accordance with article 35.

(9) The local authority shall, as soon as may be after making a decision on the review of a waste facility permit to amend conditions attached to a waste facility permit which has been granted or to refuse to grant a reviewed waste facility permit, give notice in writing of its decision and the reasons for its decision to the permit holder, to the Agency and where appropriate, to any person who made a submission in relation to the application for the review of a waste facility permit.

(10) A notification under sub-article (9) to the waste facility permit holder and to the Agency in relation to amending conditions attached to a waste facility permit shall be accompanied by a copy of the amended waste facility permit.

(11) A notification to any person who made a submission in relation to the application for the review of a waste facility permit under sub-article (9) of a decision to grant a reviewed waste facility permit shall state that a copy of the permit will be available for inspection or purchase during office hours at the principal office of the local authority, and the said authority shall arrange accordingly.

(12) An applicant for a review of a waste facility permit which has been refused or the waste facility permit conditions amended pursuant to a notice under sub-article (9) may appeal to a court of competent jurisdiction against such a decision and, on hearing the appeal, the court may confirm, annul or amend the decision.

(13) Where a waste facility permit which involves the treatment of animal by-products within the meaning of Regulation (EC) No. 1774/2002 laying down health rules concerning animal by-products not intended for human consumption has been reviewed by a local authority, it shall notify the Minister for Agriculture and Food and send a copy of the reviewed waste facility permit to that Minister following the review of the waste facility permit.

(14) For the purposes of sub-article (9), in the case of an application for the review of a waste facility permit signed by more than one person, the local authority shall give notice only to the person who forwarded, or appears to the local authority to have forwarded, that application to the said authority.

Revocation of a waste facility permit

36. (1) A local authority may revoke a waste facility permit, if it appears to it that the —

(*a*) permit holder, or other relevant person, is not, in its reasonable opinion, a fit and proper person to hold a waste facility permit, or

(*b*) activity being carried out is, or may be, in contravention of the waste facility permit conditions granted by the local authority, or

(*c*) activity is, or may be, in contravention of the Waste Management (Collection Permit) Regulations 2007, the Waste Management (Movement of Hazardous Waste) Regulations 1998, or the Waste Management (Transfrontier Shipment of Waste) Regulations 1998, or

(*d*) waste facility permit holder, or other relevant person, is likely, by a continuation of his or her activities, to cause environmental pollution, or

(*e*) waste facility permit holder, or other relevant person, is participating in,

facilitating, or otherwise contributing towards the onward movement of waste to unauthorised facilities or unauthorised collectors.

(2) In determining whether a person shall be a relevant person for the purpose of this article, a local authority shall consider the extent to which the person is, or is likely to be, in a position to direct or control the carrying on of the activity to which the relevant waste facility permit relates.

(3) A local authority shall, as soon as may be after making a decision under sub-article (1) to revoke a waste facility permit it has granted, give notice in writing of the decision and the reasons for the decision to the waste facility permit holder and to the Agency.

(4) Where a waste facility permit has been revoked by a local authority in accordance with this article, the former permit holder shall make an application to the local authority for the surrender of the waste facility permit in accordance with article 29.

(5) The former holder of a waste facility permit which has been revoked may appeal to a court of competent jurisdiction against the revocation of the waste facility permit and, on hearing the appeal, the court may confirm or annul the revocation.

Registration of certain activities

37. (1) In accordance with the provisions of article 6(2)(*c*), a person may carry on an activity of a class specified in part II of the third schedule at a facility from the coming into operation of these Regulations where a certificate of registration has been granted in relation to the carrying on of the said activity at that facility.

(2) The Agency or a local authority, as the case may be, may on an application being made to it in accordance with these Regulations', grant a certificate of registration, or refuse to grant such a certificate, in relation to the carrying on at a facility of an activity specified in Part II of the third schedule.

(3) An application for a certificate of registration shall be made in the case of—

(*a*) an activity carried on by or on behalf of a local authority, to the Agency,

(*b*) an activity carried on by a person other than a local authority, to a local authority in whose functional area the relevant facility is located.

(4) The application for a certificate of registration shall be made in writing, or other form of notification, including electronic means, as may be determined by the local authority in whose functional area the facility is located or, as the case may be, by the Agency.

(5) An application for a certificate of registration shall contain—

(*a*) the information specified in article 10(1),

(*b*) details of the measures proposed to enable the applicant to comply with the requirements set out in article 6(2)(*c*) and the fourth schedule, or a statement of reasons why such measures are not considered necessary, and

(*c*) the fee payable as set out in the fifth schedule.

(6) On receipt of an application for a certificate of registration, a local authority or, as the case may be, the Agency shall—

(*a*) immediately stamp the application with the date of receipt and assign a reference number to the application, and

(*b*) notify the applicant in writing that the application has been received by the local authority or the Agency, as the case may be.

(7) Within a period of 10 working days following receipt of an application for a certificate of registration, a local authority or, as the case may be, the Agency shall—

(*a*) decide whether the requirements of sub-article (5) have been complied with, and

(*b*) comply with the relevant requirements of article 12 of the Waste Management (Register) Regulations 1997.

(8) Where—

(*a*) a local authority refers an application for a certificate of registration to the Agency for a determination under article 11(2), the period specified in sub-article (7) shall not commence until such time as a determination has been notified to the local authority by the Agency in accordance with article 11(3),

(*b*) the Agency decides to make a determination in accordance with article 11(4) in relation to an application for a certificate of registration received by it, the period specified in sub-article (7) shall not commence until such time as a determination is made.

(9) Where a local authority or, as the case may be, the Agency, considers in accordance with sub-article (7) that the requirements of sub-article (5) have been complied with in respect of an application, it shall, within 5 working days of making its decision, send to the applicant an acknowledgement of receipt of a valid application.

(10) A local authority or, as the case may be, the Agency, shall decide on an application for a certificate of registration as expeditiously as possible and, in any event, grant, or refuse to grant, a certificate of registration within—

(*a*) 25 working days, or

(*b*) in the case of WEEE, the period specified in article 39(5)(*f*) of the Waste Management (Waste Electrical and Electronic Equipment) Regulations 2005 subject to any amendment that may be made to those regulations from time to time,

from the date of submission of a valid application form in accordance with this article.

(11) If a local authority or, as the case may be, the Agency considers that—

(*a*) there is insufficient information to determine whether an application for a certificate of registration is valid, it may return the application to the applicant stating its reason(*s*), or

(*b*) following a determination by the Agency in accordance with article 11, that the activity concerned is not appropriate to registration, it shall refuse to issue a certificate of registration.

(12) A local authority or, as the case may be, the Agency shall not grant a certificate of registration unless it is satisfied that—

(*a*) the activity concerned when carried on within the terms of the certificate of registration will not cause environmental pollution,

(*b*) any emissions from the activity concerned will not result in the contravention of any relevant standard, including any standard for an environmental medium, or any relevant emission limit value, prescribed under any enactment,

(*c*) best available techniques will be used to prevent or eliminate or, where that is not practicable, to limit, abate or reduce an emission from the activity concerned,

(*d*) the applicant is a fit and proper person.

(13) Where considered necessary, a local authority, or as the case may be, the Agency shall physically inspect a facility or, as the case may be, a proposed facility before deciding whether to grant or refuse an application for a certificate of registration.

(14) A certificate of registration shall be granted for a period of five years, unless the applicant can demonstrate to the satisfaction of the local authority or, as the case may be, the Agency that a shorter period is appropriate.

(15) When issuing a certificate of registration to an applicant under sub-article (14), a local authority or, as the case may be, the Agency may require—

(*a*) the making of payments by the registration holder to the local authority or, as the case may be, the Agency in accordance with article 44 to defray such costs as may reasonably be incurred by the authority in inspecting, monitoring, auditing, enforcing or otherwise performing any functions in relation to the activity concerned, other than in accordance with the fifth schedule, and

(*b*) such costs shall not exceed the actual expenditure incurred by the local authority or, as the case may be, the Agency.

(16) Any proposed activity for which an application for registration is made shall not commence until a certificate of registration has been issued by the local authority or, as the case may be, the Agency.

(17) Where a significant change in the nature, focus or extent of the waste-related activity or in the nature or extent of any emission concerned is proposed by the registration holder, the local authority or, as the case may be, the Agency shall—

(*a*) be notified in advance, in writing, of such change by the registration holder, and

(*b*) assess the information in accordance with article 38(2).

(18) An applicant for a certificate of registration which has been refused may appeal to a court of competent jurisdiction against such a decision and, on hearing the appeal, the court may confirm or annul the refusal.

Review, amendment, revocation or transfer of a certificate of registration

38. (1) A local authority or, as the case may be, the Agency, shall have absolute discretion to review or revoke a certificate of registration granted by it at any time where—

(*a*) there is reason to believe that a material change in the nature, extent or focus of the waste-related activity or in the nature or extent of any emission concerned has taken place, or

(*b*) an amendment to the waste management plan for the region concerned requires a review of the certificate of registration, and

the local authority, or as the case may be, the Agency shall initiate a review of a certificate of registration granted by it.

(2) A registration holder may, at any time, make an application for the review a certificate of registration in accordance with sub-article (5) to a local authority or, as the case may be, the Agency.

(3) Where a local authority or, as the case may be, the Agency proposes to review a certificate of registration under sub-article (1), it shall give notice in writing to the registration holder which shall indicate that—

(*a*) the local authority or, as the case may be, the Agency intends to review the

existing certificate of registration,

(*b*) the registration holder is required within 30 working days of the date of issue of the notice to make an application in accordance with sub-article 4 for a review of the said certificate of registration to the local authority or, as the case may be, the Agency and that the local authority or, as the case may be, the Agency shall not decide to amend conditions attached to a certificate of registration which it has granted, before the expiry of the said period,

(*c*) where the registration holder does not make a submission in accordance with sub-article (*b*), the local authority or, as the case may be, the Agency shall make and issue a decision in relation to the application for a review in accordance with the requirements of these regulations, and

(*d*) in accordance with article 44(2), the holder of a certificate of registration, as the case may be, may be required to defray or contribute towards any costs reasonably incurred by the local authority or, as the case may be, the Agency in respect of the proposed review and such costs shall not exceed the actual costs incurred.

(4) An application for a review of a certificate of registration shall—

(*a*) contain such submissions, plans, documents, other information and particulars as are necessary to support the application for the proposed review of the certificate of registration, and

(*b*) include the appropriate fee payable for an application for the review of a certificate of registration as set out in the fifth schedule.

(5) The local authority or, as the case may be, the Agency shall make and issue a decision in relation to the application for a review of a certificate of registration in accordance with the requirements of these regulations.

(6) A certificate of registration may be transferred from the holder to another person in accordance with the following procedures—

(*a*) Where the holder of a certificate of registration desires that the certificate be transferred to another person, the registration holder and the proposed transferee shall jointly make an application to the local authority or, as the case may be, the Agency, requesting that such a transfer be effected by the local authority, or, as the case may be, the Agency,

(*b*) An application under sub-article 6(*a*) shall be made to the local authority or, as the case may be, the Agency and shall be accompanied by the fee as set out in the fifth schedule,

(*c*) The local authority or, as the case may be, the Agency may require the provision of such further information by the certificate of registration holder or the proposed transferee as it considers appropriate for the purposes of dealing with an application made by them under this sub-article,

(*d*) If, on consideration of an application under this sub-article, and any relevant information provided in respect thereof, the local authority or, as the case may be, the Agency is satisfied that the proposed transferee would, if he or she were an applicant for the certificate of registration, be regarded by it as being a fit and proper person to be granted under this sub-article a like certificate of registration to the certificate of registration concerned, it shall effect a transfer of the certificate of registration to the proposed transferee.

(7) A local authority, or, as the case may be, the Agency may revoke a certificate of registration, if it appears to it that–

(*a*) the registration holder, or other relevant person, is not, in its reasonable opinion, a fit and proper person to hold a waste facility permit,

(*b*) the activity is being carried out in contravention of the terms of the certificate of registration or the rules imposed in the fourth schedule,

(*c*) the activity is, or may be, in contravention of the Waste Management (Collection Permit) Regulations 2007, the Waste Management (Movement of Hazardous Waste) Regulations 1998, or the Waste Management (Transfrontier Shipment of Waste) Regulations1998,

(*d*) the registration holder, or other relevant person, is likely, by a continuation of his or her activities, to cause environmental pollution, or

(*e*) the registration holder, or other relevant person, is participating in, facilitating, or otherwise contributing towards the onward movement of waste to unauthorised facilities or unauthorised collectors.

(8) In determining whether a person shall be a relevant person for the purpose of the revocation of a certificate of registration, a local authority or, as the case may be, the Agency shall consider the extent to which the person is, or is likely to be, in a position to direct or control the carrying on of the activity to which the relevant certificate of registration relates.

(9) A local authority or, as the case may be, the Agency shall, as soon as may be after making a decision under sub-article (7) to revoke a certificate of registration it has granted, give notice, where appropriate, in writing of the decision and the reasons for the decision to the registration holder and to the Agency.

(10) Where an application for a certificate of registration has been refused or a certificate of registration revoked under this article by a local authority or, as the case may be, the Agency, the former holder of a certificate of registration shall make an application for the surrender of the certificate of registration under article 39.

(11) In the case of an activity involving the biological treatment of animal by-products and where a certificate of registration has been granted, refused, revoked or surrendered, the local authority or, as the case may be, the Agency, shall, as appropriate, notify the Minister for Agriculture and Food of such a decision.

(12) The former holder of a certificate of registration which has been refused or revoked may appeal to a court of competent jurisdiction against the refusal or revocation of the certificate of registration and, on hearing the appeal, the court may confirm or annul the revocation.

Surrender of a certificate of registration

39. (1) An application for the surrender of a certificate of registration shall be made—

(*a*) in the case of an activity carried on by or on behalf of a local authority, to the Agency, or

(*b*) in the case of an activity carried on by a person other than a local authority, to a local authority in whose functional area the relevant facility is located.

(2) A certificate of registration, upon an application being made by the registration holder and subject to the agreement of the local authority in whose functional area the facility is located or, as the case may be, the Agency—

(*a*) may be surrendered by the registration holder at any time,

(*b*) shall be surrendered by the registration holder when the waste-related activity ceases, or

(*c*) shall be surrendered by the registration holder when the certificate of registration expires

by notice in writing to the local authority or, as the case may be, the Agency.

(3) A local authority or, as the case may be, the Agency, shall not agree to the surrender of a certificate of registration unless it is satisfied that the condition of the facility is not causing or likely to cause environmental pollution.

(4) A local authority or, as the case may be, the Agency, may, in agreeing to the surrender of a certificate of registration, attach conditions, which shall be complied with by the registration holder.

(5) The making of an application for the surrender of a certificate of registration under this article, the revocation of the ceretificate of registration or the cessation of the activity to which a certificate of registration relates, shall in no way affect or diminish such conditions, requirements or obligations applying to or falling on the registration holder as are specified in or arise under the terms of the certificate of registration.

Monitoring, inspection, auditing and enforcement

40. (1) Local authorities or, as the case may be, the Agency, shall be responsible for—

(*a*) the monitoring, inspection and auditing of facilities authorised under these Regulations, and

(*b*) the enforcement of the obligations imposed by waste facility permits and certificates of registration, including the provisions of Section 32 of the Act.

(2) Each local authority or, as the case may be, the Agency shall take such steps as are necessary for the purpose of checking the compliance of waste activities subject to a waste facility permit or certificate of registration in meeting—

(*a*) the general environmental requirements set out in article 4 of Directive 2006/12/EC, and

(*b*) in the case of activities subject to a waste facility permit, the conditions attached to the permit, and

(*c*) in the case of activities subject to a certificate of registration, the rules set out in the fourth schedule.

(3) Each local authority or, as the case may be, the Agency may develop processes, including as appropriate, audit programmes which shall be designed to verify the data provided by holders of waste facility permits and certificates of registration on waste acceptance, waste recovery and waste disposal. Any such audit programmes should include procedures for the assessment of annual environmental reports submitted by permit holders and registration holders and be adequate to ensure that the reported information is accurate.

(4) For the purposes of ensuring that holders of waste facility permits, certificates of registration are complying with their obligations under these Regulations, a local authority or, as the case may be, the Agency, or an Authorised Officer may take all reasonable measures as are decided to be appropriate in each case, including—

(*a*) measures prescribed under sections 14, 15, 16 and 18 of the Act, and

(*b*) in accordance with a risk-based enforcement plan prepared on the basis of the Recommendation 2001/331/EC of the European Parliament and of the Council of 4 April 2001 providing minimum criteria for inspections in Member States and the Enforcement Handbook published by the Agency.

Entries in registers established under section 19 of the Act

41. (1) It is hereby prescribed that the register established and maintained by a local authority in accordance with section 19 of the Act shall contain entries specifying—

(*a*) in relation to each activity in respect of which a waste facility permit is granted, reviewed, revoked, transferred or surrendered, the information specified in

article 10(1),

(*b*) in relation to each activity in respect of which a certificate of registration is granted, reviewed, revoked, transferred or surrendered, the—

(i) full name, address and telephone number of the person responsible for managing the facility, and

(ii) location of the facility concerned, and

(iii) records of the types and quantities of waste dealt with at the facility (including European Waste Catalogue Code(*s*) and description(*s*) pursuant to Commission Decision 2001/118/EC of 16 January 2001 or subsequent amendments), and

(iv) commencement date of the activity

Fees payable

42. (1) The applicant shall pay a fee to the local authority or, as the case may be, the Agency in respect of an application for a—

(*a*) waste facility permit,

(*b*) review of a waste facility permit,

(*c*) certificate of registration,

(*d*) review of a certificate of registration,

(*e*) transfer of a waste facility permit, or

(*f*) transfer of a certificate of registration.

(2) The fee payable shall be—

(*a*) the amount indicated in column (3) of the fifth schedule for the particular category of application, or

(*b*) where a class of activity can be identified by reference to more than one class in either Parts I or II, as appropriate, within the third schedule, the only fee payable under sub-article (1) shall be the highest of the fees specified in column (3) of the fifth schedule opposite the class of activity so identified in column (2) of that schedule.

(3) Notwithstanding the provisions of sub-articles (1) and (2), the local authority or the Agency, as appropriate, shall have an absolute discretion to refund or waive all or part of the fee payable in respect of a particular application where the local authority or the

Agency is satisfied that the payment in full of the fee would not be just and reasonable having regard to the limited scale or nature of the activity concerned, or where the charging of a full fee may act as a financial disincentive to individuals or companies who are operating on a small scale and are engaged in environmentally beneficial operations such as waste recovery or recycling.

False or misleading information or failure to provide information

43. (1) A person shall not compile information, which he or she knows to be false or misleading in a material respect, or furnish any such information in support of an application or in response to any notice or other document used for the purposes of these Regulations and any person who does so shall be guilty of an offence.

(2) A person who fails to comply with a notice or to provide information which a local authority or the Agency requires under these Regulations shall be guilty of an offence.

Defrayal of local authority or agency costs

44. (1) Having considered the information submitted by the applicant under article 10 and any further information provided by the applicant at the request of the local authority under article 13 to verify particulars or information furnished by the applicant in relation to the application and the need to carry out investigations concerning discharges to groundwater in accordance with article 17, the local authority may decide, where it appears to it to be reasonable, to carry out or cause to be carried out such inspections, investigations and analyses as are necessary to decide on an application.

(2) The local authority or, as the case may be, the Agency may, by notice in writing, require an applicant or the holder of a waste facility permit or a certificate of registration, as the case may be, to defray or contribute towards any costs reasonably incurred by the local authority or, as the case may be, the Agency including—

(*a*) the cost of any investigations carried out or caused to be carried out by the local authority or, as the case may be, the Agency so as to enable the authority or the Agency to decide on an application for, or the review of, a—

(i) waste facility permit, or

(ii) certificate of registration.

(*b*) any costs incurred by the local authority or the Agency for the purpose of ensuring compliance by the holder of a waste facility permit or certificate of registration with the requirements imposed by the said permit or registration, including the cost of any inspection, monitoring, auditing, enforcement or investigations deemed necessary and carried out or caused to be carried out by the local authority or, as the case may be, the Agency and the taking and analysis of any sample of waste.

(3) The amount of any payment required under sub-article (2) in respect of an

application or the review, or in ensuring compliance by a permit holder or registration holder, taken together with the application fee set out in the fifth schedule, shall not exceed the costs incurred by a local authority or the Agency, as appropriate, in deciding on the application, review or compliance.

(4) A person on whom a notice is served under sub-article (2) shall comply with the requirements of the notice within such period, being a period of not less than 15 working days, as may be specified in the notice, and in default of such payment,

(*a*) the local authority concerned or, as the case may be, the Agency may refuse to grant a waste facility permit or a certificate of registration, and

(*b*) the amount concerned may be recovered by the local authority concerned or, as the case may be, the Agency as a simple contract debt in any court of competent jurisdiction.

Article 3.

FIRST SCHEDULE REGULATIONS REVOKED

Number	Title	Extent of Revocation
S.I. No. 165 of 1998	Waste Management (Permit) Regulations 1998	The whole regulations subject to transitional arrangements in article 3 of these Regulations

Article 4.

SECOND SCHEDULE. PROVISIONS OF COMMUNITY ACTS WHICH ARE TO BE GIVEN EFFECT TO IN RELEVANT WASTE PERMITS GRANTED BY A LOCAL AUTHORITY.

Council Directive 75/439/EEC of 16 June 1975 (O.J. No. L 194/23 of 25 July 1975) on the disposal of waste oils, as amended by Council Directive 87/101/EEC of 22 December 1986 (O.J. No. L 42/43 of 12 February 1987).

Council Directive 75/442/EEC of 15 July 1975 on waste (O.J. No. L 194/39 of 25 July 1975), as amended by Council

Directive 91/156/EEC of 18 March 1991 (O.J. No. L 78/32 of 26 March 1991) and consolidated under Directive 2006/12/EC of the European Parliament and the Council of 5 April 2006 on waste (O.J. No. L114/9 of 27 April 2006).

Directive 2006/11/EC of 15 February 2006 of the European Parliament and of the Council on pollution caused by certain dangerous substances discharged into the aquatic environment of the community (O.J. No. L64/52 of 4 March 2006)

Directive 2006/118/EC of 12 December 2006 of the European Parliament and of the Council on the protection of groundwater against pollution and deterioration (O.J. No. L372/19 of 27 December 2006)

Council Directive 87/217/EEC of 19 March 1987 on the prevention and reduction of environmental pollution by asbestos (O.J. No. L85/40 of 28 March 1987)

Council Directive 91/676/EEC of 12 December 1991 concerning the protection of waters against pollution caused by nitrates from agricultural sources (O.J. No. L 375/1 of 31 December 1991)

European Parliament and Council Directive 2000/60/EC of 23 October 2000 establishing a framework for Community action in the field of water policy (O.J. No. L 327/1 of 22 December 2000)

Council Directive 91/689/EEC of 12 December 1991 on hazardous waste (O.J. No. L 377/20 of 31 December 1991).

Directive 2002/96/EC of the European Parliament and of the Council of 27January 2003 on waste electrical and electronic equipment, (O.J.No.L37/24,13 February 2003), as amended by Directive 2003/108/EC of the European Parliament and of the Council of 8 December 2003 (O.J. No. L 345/106, 31 December 2003).

Directive 94/62/EC of the European Parliament and of the Council of 20 December 1994 on packaging and packaging waste (O.J. No. L365/10 of 31 December 1994), as amended by Directive 2004/12/EC of the European Parliament and of the Council of 11 February 2004 on packaging and packaging waste (O.J. No. L47/26 of 18 February 2004)

Directive 2000/53/EC of the European Parliament and

Council of 18 September 2000 on end —of life vehicles (O.J. No.L269/34, 21 October 2000) as amended by Council Decision 2005/673/EC of 20 September 2005

Council Directive 1999/31/EC of 26 April 1999 on the landfill of waste (O.J. No. L182/1 16 July 1999).

Regulation (EC) No. 2037/2000 of the European Parliament and of the Council of 29 June 2000 on substances that deplete the ozone layer (O.J. No. L244/1 of 29 September 2000), as amended by Council Regulations (EC) Nos. 2038/2000 (O.J. No. L244/25 of 29 September 2000), 2039/2000 (O.J. No. L244/26 of 29 September 2000), 1804/2003 (O.J. No. L265/1 of 16 October 2003), Commission Regulation (EC) No. 2077/2004 (O.J. No. L359/28 of 4 December 2004), Commission Regulation (EC) No. 29/2006 (O.J. No. L6/27 of 11 January 2006) and Commission Regulation (EC) No. 1784/2006 of 4 December 2006 (O.J. No. L337/3 of 5 December 2006)

Regulation (EC) No. 842/2006 of the European Parliament and of the Council of 17 May 2006 on certain fluorinated greenhouse gases (O.J. No. L161/1 of 14 June 2006)

Directive 2006/66/EC of 6 September 2006 of the European Parliament and the Council on batteries and accumulators and waste batteries and accumulators and repealing Directive 91/157/EEC (O.J. No. L 266/49 of 26 September 2006)

Council Directive 91/157/EEC of 18 March 1991 on batteries and accumulators containing certain dangerous substances (O.J. No. L078/38 of 26 March 1991) as amended by Commission Directive 93/86/EEC of 4 October 1993 (O.J. No. L264/51 of 23 October 1993) and by Commission Directive 98/101/EC of 22 December 1998 (O.J. No. L1/1 of 5 January 1999)

Regulation (EC) No 2150/2002 of the European Parliament and of the Council of 25 November 2002 on waste statistics *(O.J. No. L332/1 of 9 December 2002)*

*Regulation (EC) No 850/2004 of the European Parliament and the Council of 29 April 2004 on persistent organic pollutants and amending Directive 79/117/EEC (*O.J. No. L229/5 of 29 June 2004) *as amended by Council Regulation (EC) No. 1195/2006* (O.J No. L55/1 of 23 January 2007) *and Council Regulation (EC) No. 172/2007* O.J. No. L272/19, 27 December 2006 (O.J. No. L217/1, 8 August 2006)

Regulation (EC) No. 1774/2002 of the European Parliament and of the Council of 3 October 2002 laying down health rules concerning animal by-products not intended for human consumption, as amended by Commission Regulation (EC) No. 808/2003 of 12 May 2003 (O.J. No. L117/1 of 13 May 2003)

Council Directive 79/409/EEC of 2 April 1979 on the conservation of wild birds (O.J. No. L103/1 of 25 April 1979)

Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (O.J. No. L 206/7 of 22 July 1992)

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

Directive 2006/118/EC of 12 December 2006 of the European Parliament and of the Council on the protection of groundwater against pollution and deterioration

Article 6.

THIRD SCHEDULE

PART I CLASSES OF ACTIVITY SUBJECT TO WASTE FACILITY PERMIT APPLICATION TO A LOCAL AUTHORITY

The carrying on by a person (other than a local authority) at a facility (other than a facility located in whole or in part in an area which is not within the functional area of a local authority) of any of the following activities, provided that—

(*a*) the activity is not an activity which is carried on in, on or adjacent to, a facility at which a licensable activity is being carried on, and

(*b*) In the cases of Class 5 and Class 6 the upper limits on the amount of waste, which may be accepted, shall relate to

(i) the total quantity of waste which has been received and is proposed to be accepted at the facility at any time, or

(ii) in the case of an activity which is carried on in, on or adjacent to, a facility at which a waste-related activity is being carried on which is the subject of a waste

facility permit or certificate of registration, the total quantity of waste which has been received at both the facility itself and all such facilities at any time.

CLASS NO.	DESCRIPTION
1.	The reception and temporary storage, pending collection, other than by a local authority, where not otherwise regulated by a waste licence or certificate of registration, or exempted in accordance with the provisions of article 39 of the Waste Management (Waste Electrical and Electronic Equipment) Regulations 2005 of— (1) household hazardous waste (other than WEEE and mercury containing waste or used batteries and accumulators) at a civic amenity facility, recycling centre or central collection point, or (2) WEEE at any premises for the purpose of onward transport and submission to recovery at an authorised facility. Annual intake shall not exceed — (i) in the case of liquid waste, 100,000 litres, (ii) in the case of non-liquid waste, 100 tonnes.
2.	The Reception, storage (including temporary storage) and recovery of waste vehicles (other than end-of-life vehicles) having regard to the provisions of articles 14 and 15 of the Waste Management (End-of-Life Vehicles) Regulations 2006 (S.I. No. 282 of 2006).
3.	The reception, treatment and recovery of WEEE (including removal of all fluids and dismantling or disassembly or removal of WEEE substances, preparations and components prior to treatment) in accordance with the provisions of articles 20 and 21 of the Waste Management (Waste Electrical and Electronic Equipment) Regulations (S.I. No. 340 of 2005). Annual intake shall not exceed 10,000 tonnes per annum.
4.	The reception, storage and recovery of scrap metal,

including scrap metal arising from end-of-life vehicles, waste vehicles (other than end-of-life vehicles) and WEEE where scrap metal from —

(1) end-of-life vehicles shall be subject to appropriate treatment and recovery in accordance with the provisions of articles 14 and 15 of the Waste Management (End-of-Life Vehicles) Regulations 2006 (S.I. No. 282 of 2006) prior to acceptance at the scrap metal facility, and as appropriate,

(2) waste vehicles (other than end-of-life vehicles) shall be subject to appropriate treatment and recovery having regard to the provisions of articles 14 and 15 of the Waste Management (End-of-Life Vehicles) Regulations 2006 (S.I. No. 282 of 2006) prior to acceptance at the scrap metal facility, and as appropriate,

(3) WEEE shall be subject to appropriate treatment and recovery in accordance with the provisions of articles 20, 21 and 22 of the Waste Management (Waste Electrical and Electronic Equipment) Regulations 2005 (S.I. No. 340 of 2005) prior to acceptance at the scrap metal facility.

5. Recovery of excavation or dredge spoil, comprising natural materials of clay, silt, sand, gravel or stone and which comes within the meaning of inert waste, through deposition for the purposes of the improvement or development of land, where—

(a) the activity shall have the principal objective that the waste serves a useful purpose in replacing other materials which would have had to be used for that purpose, thereby conserving natural resources,

(b) the waste-related activity consists of the direct use of the waste material without further processing other than normal industrial practice, and

(c) the total quantity of waste recovered at the facility is less than 100,000 tonnes.

6. Recovery of inert waste (other than excavations or dredgings comprising natural materials of clay, silt, sand, gravel or stone) through deposition for the purposes of the improvement or development of

land, where —

(a) the activity shall have the principal objective that the waste serves a useful purpose in replacing other materials which would have had to be used for that purpose, thereby conserving natural resources, and

(b) the waste-related activity consists of the direct use of the waste material without further processing other than normal industrial practice, and

(c) the total quantity of waste recovered at the facility is less than 50,000 tonnes.

7. Recovery of inert waste arising from construction and demolition activity, including concrete, bricks, tiles, or other such similar material, at a facility (excluding land improvement or development) where—

(a) the annual intake shall not exceed 50,000 tonnes, and

(b) the maximum quantity of residual waste consigned from the facility for collection, onward transport and submission to disposal at an authorised facility shall not exceed 7,500 tonnes per annum.

8. The reception, storage and composting of biowaste at a facility where—

(a) the maximum amount of compost and biowaste held at the facility does not exceed 6,000 cubic metres at any time, and

(b) the annual intake shall not exceed 10,000 tonnes.

9. The reception, temporary storage and recovery of used batteries and accumulators where-

(a) from 26 September 2008, the treatment and recycling of used batteries and accumulators meets the requirements of article 12 of Directive

2006/66/EC on batteries and accumulators and waste batteries and accumulators, and

(b) the annual intake shall not exceed 1,000 tonnes.

10. The recovery of waste (not mentioned elsewhere in this part of the third schedule), other than hazardous waste, where—

(a) the annual intake does not exceed 50,000 tonnes, and

(b) the maximum quantity of residual waste consigned from the facility for onward transport and submission to disposal at an authorised facility shall not exceed 7,500 tonnes per annum.

11. The reception, storage and transfer of waste (other than hazardous waste) for disposal at a facility (other than a landfill facility) where the annual intake does not exceed 7,500 tonnes.

Note: Where the waste-related activities being undertaken within a facility encompass a number of the classes as set out within Part I of the third schedule, the quantity of waste concerned shall be taken as meaning the total quantity of waste accepted at the facility taking account of inputs relating to all classes of activity.

Article 6.

THIRD SCHEDULE

PART II CLASSES OF ACTIVITY SUBJECT TO REGISTRATION WITH LOCAL AUTHORITY OR THE AGENCY

The carrying on by a person at a facility of any of the following activities, provided that —

(1) the activity is not an activity which is carried on in, on or adjacent to, a facility at which a licensable activity is being carried on, and

(2) In the cases of Class 5 and Class 6, the upper limits on the amount of waste, which may be accepted, shall relate to—

(*a*) the total quantity of waste which has been received and is proposed to be

accepted at the facility at any time, or

(*b*) in the case of an activity which is carried on in, on or adjacent to, a facility at which a waste-related activity is being carried on which is the subject of a waste facility permit or certificate of registration, the total quantity of waste which has been received at both the facility itself and all such facilities at any time.

CLASS NO.	DESCRIPTION
1.	The storage, pending collection, of household hazardous waste (other than WEEE) at a civic amenity facility, recycling centre or central collection point, where not otherwise regulated by a waste licence or waste facility permit for the purpose of onward transport and submission to recovery at an authorised facility where- (a) annual intake shall not exceed— (i) in the case of liquid waste, 25,000 litres (ii) in the case of non-liquid waste, 25 tonnes, and (b) the maximum period of storage of waste does not exceed 30 days.
2.	The reception and temporary storage of waste (other than WEEE) deposited by members of the public at a central collection point (including a temporary central collection point) when such activity is undertaken by, on behalf of, or with the approval of the local authority, where the maximum amount of waste stored at any time does not exceed 1,000 tonnes.
3.	The reception and temporary storage of crashed or immobilised vehicles, other than end-of-life-vehicles, pending decisions by the registered owners of these vehicles, or as appropriate, by an authorised person of a local authority, or a member of An Garda Síochána on whether the vehicles are to be discarded as end-of–life vehicles. The number of vehicles stored at any one time shall not exceed 6 at any one location and at any one time.
4.	Reception and temporary storage, pending

collection for recovery of — less than 1000 kilograms of used batteries and accumulators, orless than 1 tonne of discarded equipment containing chlorofluorocarbons (other than WEEE), or less than

(a) 540 cubic metres of household WEEE, other than waste specified in sub-paragraphs (ii) and (iii),

(b) 12,000 units of WEEE categories in accordance with Category 5 of the first schedule of the Waste Management (Waste Electrical and Electronic Equipment) Regulations, 2005 (S.I. No. 340 of 2005) or, as appropriate

(c) 300 kilograms of mobile phones,

for the purpose of onward transport to an authorised treatment facility of WEEE when undertaken in accordance with the requirements of article 39 of the Waste Management (Waste Electrical and Electronic Equipment) Regulations 2005.

5. Recovery of excavation or dredge spoil, comprising natural materials of clay, silt, sand, gravel or stone and which comes within the meaning of inert waste, through deposition for the purposes of the improvement or development of land, where—

(a) the activity shall have the principal objective that the waste serves a useful purpose in replacing other materials which would have had to be used for that purpose, thereby conserving natural resources, and

(b) the waste-related activity consists of the direct use of the waste material without further processing other than normal industrial practice, and

(c) the works do not constitute exempted development within the meaning of Classes 11 (b) and 11(f) of Exempted Development — Rural within part 3 of the second schedule of the Planning and Development Regulations 2001 (S.I. No. 600 of 2001), and

(d) the total quantity of waste recovered at the site shall not exceed 25,000 tonnes.

6. Recovery of inert waste (other than excavations or dredgings comprising natural materials of clay, silt, sand, gravel or stone), for the purpose of the improvement or development of land where—

(a) the activity shall have the principal objective that the waste serves a useful purpose in replacing other materials which would have had to be used for that purpose, thereby conserving natural resources, and

(b) the waste-related activity consists of the direct use of the waste material without further processing other than normal industrial practice, and,

(c) the works do not constitute exempted development within the meaning of Classes 11 (b) and 11(f) of Exempted Development — Rural within part 3 of second schedule of the Planning and Development Regulations 2001 (S.I. No. 600 of 2001), and

(d) the total quantity of waste recovered at the site shall not exceed 10,000 tonnes.

7. Recovery of inert waste arising from construction and demolition activity, including concrete, bricks, tiles, or other such similar material, at a facility (excluding the improvement or development of land) where—

(a) the annual intake shall not exceed 10,000 tonnes, and

(b) the maximum quantity of residual waste consigned from the facility for submission to disposal at an authorised facility shall not exceed 1,500 tonnes per annum.

8 Recovery of inert waste arising from construction and demolition activity, including concrete, bricks, tiles or other such similar material, at a facility (excluding land improvement or development) where a planning permission has been granted conditioning the use of crushing equipment.

9 The storage at the place of extraction, for an

indefinite length of time to await possible use for site restoration of waste material arising from quarrying or excavation where —

(a) conditions on waste management have not been imposed under section 261 of the Planning and Development Act 2000 (No. 30 of 2000), and

(b) such material is in a chemically unaltered state.

10. The reception, storage and transfer of waste by a local authority, not mentioned elsewhere in this schedule, where the annual intake does not exceed 10,000 tonnes, and—

(a) the maximum amount of waste dispatched from the facility for onward transport and disposal does not exceed 1,500 tonnes per annum, and

(b) a period of storage of waste for disposal does not exceed 30 days.

11. The reception, storage and composting of biowaste by a local authority, not mentioned elsewhere in this schedule, where —

(a) the annual intake does not exceed 5,000 tonnes, and

(b) the maximum amount of biowaste and compost held at a composting facility does not exceed 2,000 tonnes at any time.

12. The storage and composting, on the premises where it is produced, of biowaste, where—

(a) the amount stored and treated does not exceed 50 tonnes per annum, and

(b) the maximum amount of biowaste and compost held at the facility at any time does not exceed 20 tonnes.

13 Recovery of organic waste, other than manure and sludge when used in agriculture for the purposes of

benefit to agriculture or ecological improvement, where—

(a) the activity shall have the principal objective that the waste serves a useful purpose in replacing other materials which would have had to be used for that purpose, thereby conserving natural resources,

(b) the total quantity of organic waste recovered at the facility shall not exceed 1,000 tonnes, and

(c) the organic waste is spread on clearly identified and suitable lands and in accordance with a nutrient management plan and applied in compliance with an approved code of practice for spreading.

14. The reception and temporary storage of—

(a) waste, returned or recovered refrigerant gases in refrigerant containers, or

(b) waste, returned or recovered halons in halon containers, or

(c) waste, returned or recovered fluorinated greenhouse gases in fluorinated greenhouse gas containers,

pending collection or onward transport prior to submission to recycling, reclamation or destruction in accordance with the relevant legislative requirements for the specific type of refrigerant gas, halon or fluorinated greenhouse gas, where recovery has the meaning assigned to it under Regulation (EC) No. 2037/2000 and Regulation (EC) No. 842/2006, and where the total quantity stored at any one time on a premises does not exceed 18 tonnes.

Note: Where the waste-related activities being undertaken within a facility encompass a number of the classes as set out within part II of the third schedule, the quantity of waste concerned shall be taken as meaning the total quantity of waste accepted at the facility taking account of inputs relating to all classes of activity.

Article 32.

FOURTH SCHEDULE

PART I GENERAL RULES IN RESPECT OF REGISTERED ACTIVITIES

(1) A Registration holder shall demonstrate within the application for a Certificate of registration the manner in which it is proposed to comply in all respects with the particulars of the Rules of this schedule, unless as may otherwise agreed in writing by the local authority or, as the case may be, the Agency.

(2) Any emissions from the recovery or disposal activity concerned (including both storage and temporary storage) shall not result in contravention of any relevant standard, including any standard for an environmental medium, or any relevant emission limit value, prescribed under any enactment.

(3) The registration holder shall ensure that all recovery and disposal of waste (including both storage and temporary storage) is undertaken in a manner which does not endanger human health.

(4) Waste shall only be accepted by the registration holder at the site between 0800 and 1800 hours, Monday to Friday inclusive, and between 0800 and 1400 hours on Saturdays unless otherwise approved in writing by the relevant local authority or, as the case may be, the Agency.

(5) The registration holder shall put in place appropriate procedures relating to the acceptance of waste at the facility, including

(i) waste inspection procedures,

(ii) waste acceptance and handling procedures,

(iii) waste characterisation and waste quarantine procedures,

(iv) other appropriate procedures and arrangements relating to the acceptance of waste, and

(v) measures to ensure compliance with article 6 of these Regulations.

(6) The registration holder shall put in place appropriate procedures relating to the supervision of the storage, recovery or disposal activity.

(7) The registration holder shall ensure that all waste accepted at the facility has been collected and transported in accordance with Section 34 of the Act and the Waste Management (Collection Permit) Regulations, 2007.

(8) The registration holder shall take all necessary measures relating to prevention of unauthorised waste activities and the establishment of controls on entry to the facility,

including the rejection of all waste arriving at the facility where the vehicle does not possess the requisite authorisation to permit the collection and transportation of waste in accordance with Section 34 of the Act and the Waste Management (Collection Permit) Regulations, 2006.

(9) The registration holder shall conduct, document and maintain an assessment of the risk of environmental pollution, having regard to the types of the wastes to be accepted and the nature of the activity being undertaken at the facility.

(10) The registration holder shall take preventative measures to ensure that the activity is carried out in a manner which does not have any adverse effect on drainage of lands, watercourses, shallow wells, bored wells, raw water intakes or other sources of water supply, public and private roads or footways.

(11) In the case of an activity involving the storage or temporary storage of waste, the registration holder shall establish the necessary measures to ensure the secure and safe storage of the wastes, including appropriately designed storage locations and containment arrangements.

(12) The registration holder shall take all necessary measures to ensure compliance with all legal obligations pertaining to the carrying on of the activity or activities at the facility.

(13) The registration holder shall take preventative measures to ensure that the activity does not result in unreasonable noise, dust, grit and other nuisances, which would result in the impairment of, or significant interference with, the amenities or the environment beyond the site boundary.

(14) The registration holder, if requested by the Agency or relevant local authority, shall provide detailed written reports on investigations and monitoring of the activities and related ancillary matters.

(15) The registration holder shall maintain a register in relation to the activity to which the certificate of registration relates, which shall be available for inspection by the local authority, which details:

(*a*) the dates, time of arrivals and quantities of each waste consignment (by European Waste Catalogue code(*s*) and description(*s*) pursuant to Commission Decision 2001/118/EC of 16 January 2001 or subsequent amendments) delivered to the facility,

(*b*) names of the carriers, including details of vehicle registrations and waste collection permits numbers,

(*c*) origin of waste delivered,

(*d*) quantities and composition of wastes rejected at the facility, and

(*e*) quantities, composition and destination of waste consigned for onward transport from the facility.

(16) The registration holder shall compile and maintain records in a format agreed with the local authority or, as the case may be, the Agency in respect of the particulars of the summary information contained in the register established in accordance with Rule (15), for a period of not less than 7 years.

(17) The registration holder shall immediately notify the relevant local authority or, as the case may be, the Agency of any incident arising from the activity, which:

(*a*) has the potential for contamination of surface or ground water, or

(*b*) poses an environmental threat to air or land.

(18) As part of the notification process, the operator shall include, within the 24 hours of any such incident occurring, details as to—

(*a*) the date and time of the incident,

(*b*) details of the incident,

(*c*) evaluation of the pollution caused, and

(*d*) remedial corrective measures undertaken or to be undertaken, including details of preventative measures.

(19) Not later than the 28th day of February in each year, the registration holder shall furnish to the local authority or, as the case may be, the Agency in such form as may be agreed, an Annual Environmental Report containing summary information in relation the preceding calendar year or part thereof as the case may be, in respect of the activities to which the Certificate of registration relates and giving particulars of the manner in which the Rules specified in this schedule have been implemented.

(20) The registration holder shall also comply with any additional rules for the management of particular streams of waste:

Part II: Waste Electrical and Electronic Equipment Facilities,

Part III: Refrigerant Gas, Halon and Fluorinated Greenhouse Gas Facilities,

Part IV: Organic Waste Composting Facilities,

Part V: Spreading of Organic Waste on Land, and

Part VI: Storage of Immobilised Vehicles.

PART II ADDITIONAL RULES FOR WASTE ELECTRICAL AND ELECTRONIC EQUIPMENT FACILITIES

(1) The registration holder shall comply with all requirements of the Waste Management (Waste Electrical and Electronic Equipment) Regulations, 2005 (S.I. No. 340 of 2005), subject to any amendment that may be made to those regulations from time to time.

(2) The registration holder shall establish the provenance of WEEE deposited (e.g. deposited on behalf of an collective compliance scheme approved for the management of WEEE, a self complying producer of electrical and electrical equipment, a business end user etc.).

(3) The registration holder shall forward details of the source of household WEEE deposited at a waste facility on behalf of a person (other than a collective compliance scheme approved for the management of WEEE or a self complying producer of electrical and electrical equipment or a householder depositing a quantity of household WEEE similar to that arising in a single household), together with details of the person depositing the WEEE to the local authorities in the functional area or areas where the—

(*a*) waste facility is located,

(*b*) person depositing the WEEE has his or her place of business and if not a business his or her place of residence, and

(*c*) source of the household WEEE concerned has his or her place of business and if not a business his or her place of residence.

PART III ADDITIONAL RULES FOR FACILITIES ACCEPTING WASTE, RETURNED OR RECOVERED REFRIGERANT GASES IN REFRIGERANT CONTAINERS OR WASTE, RETURNED, OR RECOVERED HALONS IN HALON CONTAINERS OR WASTE, RETURNED OR RECOVERED FLUORINATED GREENHOUSE GASES IN FLUORINATED GREENHOUSE GAS CONTAINERS

(1) In the case of the temporary storage of waste, returned or recovered refrigerant gases in refrigerant containers or waste, returned or recovered halons in halon containers or waste returned or recovered Fluorinated Greenhouse Gases in Fluorinated Greenhouse Gas Containers the operator shall take all necessary measures to ensure that the handling and controlled storage of the containers is carried out in a manner that shall prevent the leakage or venting of the gases to the atmosphere.

(2) In the case of temporary storage at the facility:

(*a*) each container should be consigned for onward transport to an authorised

facility for appropriate recycling, reclamation or disposal in accordance with the relevant legislative requirements for the specific gas type,

(*b*) there should be no mixing of refrigerant gases or the transfer of individual types of refrigerant gas from one cylinder to another to facilitate bulking for onward transportation,

(*c*) there should be no mixing of halons or the transfer of halons from one cylinder to another to facilitate bulking for onward transportation,

(*d*) there should be no mixing of fluorinated greenhouse gases or the transfer of fluorinated greenhouse gases from one cylinder to another to facilitate bulking for onward transportation.

PART IV ADDITIONAL RULES FOR COMPOSTING FACILITIES

The registration holder shall comply with all requirements of—

(1) the Animal By-products Regulation (EC) No. 1774/2002 of 3 October 2002,

(2) Diseases of Animals Act, 1966 (Prohibition on the Use of Swill) Order 2001 (S.I. No. 597 of 2001),

(3) Diseases of Animals Act, 1966 (Transmissible Spongiform Encephalopathies) (Meat and Bone Meal and Poultry Offal) Order 2002 (S.I. No. 551 of 2002),

(4) Waste Management (Use of Sewage Sludge in Agriculture) Regulations, 1998 (S.I. No. 148 of 1998), as amended by Waste Management (Sewage Sludge in Agriculture) (Amendment) Regulations 2001 (S.I. No. 267 of 2001 ,

(5) European Communities (Transmissible Spongiform Encephalopathies and Animal By-products) Regulations 2006 (S.I. No. 612 of 2006), and

(6) Diseases of Animals Act 2006 (Transmissible Spongiform Encephalopathies) (Fertilisers & Soil Improvers) Order 2006 (S.I. No. 615 of 2006),

subject to any amendment that may be made to those regulations from time to time.

PART V ADDITIONAL RULES FOR SPREADING OF ORGANIC WASTE ON LAND

(1) The spreading of organic waste on land shall be confined to the application of compost derived from source segregated municipal waste, spent mushroom compost and sewage sludge used for non-agricultural purposes

(2) The registration holder shall comply with all requirements of—

(*a*) the Animal By-products Regulation (EC) No. 1774/2002 of 3 October 2002, and

(*b*) Diseases of Animals Act, 1966 (Prohibition on the Use of Swill) Order 2001 (S.I. No. 597 of 2001),

(*c*) Diseases of Animals Act, 1966 (Transmissible Spongiform Encephalopathies) (Meat and Bone Meal and Poultry Offal) Order 2002 (S.I. No. 551 of 2002),

(*d*) European Communities (Transmissible Spongiform Encephalopathies and Animal By-products) Regulations 2006 (S.I. No. 612 of 2006), and

(*e*) Diseases of Animals Act 2006 (Transmissible Spongiform Encephalopathies) (Fertilisers & Soil Improvers) Order 2006 (S.I. No. 615 of 2006)

subject to any amendment that may be made to those regulations from time to time.

PART VI ADDITIONAL RULES FOR STORAGE OF IMMOBILISED VEHICLES

In circumstances where the condition of an immobilised vehicle is considered to represent a threat to the environment, the registration holder shall comply with the storage requirements set out within the second schedule of the Waste Management (End-of-Life Vehicles) Regulations 2006 (S.I. No. 282 of 2006), subject to any amendment that may be made to those regulations from time to time.

FIFTH SCHEDULE. FEES

Category of Application	Type of Application	Fee Payable
(1)	(2)	(3)
1.	Application for a waste facility permit in accordance with article 9	Classes 5, 6 and 7 €2,000 All other Activities €1,000
2.	Application for the review of a waste facility permit in accordance with article 30	50% of the fees applicable to an application for a waste facility permit, or €100 for minor changes not requiring a full review.

3.	Application for a certificate of registration in accordance with article 37	Classes 5, 6, 7 and 10 €600 All other Activities €300
4.	Application for the review of a certificate of registration in accordance with article 38	50% of the fees applicable to an application for a certificate of registration, or €100 for minor changes not requiring a full review.
5.	Application for the transfer of a waste facility permit in accordance with article 27	25% of the fees applicable to an application for a waste facility permit
6.	Application for the transfer of a certificate of registration in accordance with article 38	25% of the fees applicable to an application for a certificate of registration

GIVEN the Official Seal of the Minister for the Environment, Heritage and Local Government,

17 December 2007

JOHN GORMLEY.

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).

These Regulations amend and replace the Waste Management (Permit) Regulations 1998 and set out procedures for the making of permit and registration applications, public consultation, consideration by local authorities of submissions in relation to permit or registration applications, and the grant, refusal and review of facility permits and registration by local authorities.

1 O.J. No. L 194/23, 25 July 1975

2 O.J. No. L 42/43, 12 February 1987

3 O.J. No. L 194/39, 25 July 1975

4 O.J. No. L 78/32, 26 March 1991

5 O.J. No. L114/9 of 27 April 2006

6 O.J. No. L 64/52, 4 March 2006

7 O.J. No. L272/19, 27 December 2006

8 O.J. No. L 20/43, 26 January 1980

9 O.J. No. L 85/40, 28 March 1987

10 O.J. No. L 375/1, 31 December 1991

11 O.J. No. L 377/20, 31 December 1991

12 O.J. No. L 327/1, 22 December 2000

13 O.J. No. L 269/34 21 October 2000

14 O.J. No. L 37/24, 13 February 2003

15 O.J. No. L345/106, 31 December 2003

16 O.J. No. L365/10, 31 December 1994

17 O.J. No. L47/26, 18 February 2004

18 O.J. No. L273/1, 10 October 2002

19 O.J. No. L117/1, 13 May 2003

20 O.J. No. L244/1, 29 September 2000

21 O.J. No. L244/25, 29 September 2000

22 O.J. No. L244/26, 29 September 2000

23 O.J. No. L265/1, 16 October 2003

24 O.J. No. L359/28, 4 December 2004

25 O.J. No. L6/27, 11 January 2006

26 O.J. No. L337/3, 5 December 2006

27 O.J. No. L161/1, 14 June 2006

28 O.J. No. L182/1, 16 July 1999

29 O.J. No. L078/38, 26 March 1991

30 O.J. No. L264/51, 23 October 1993

31 O.J. No. L1/1, 5 January 1999

32 O.J. No. L 266/49, 26 September 2006

33 O.J. No. L332/1, 9 December 2002

34 O.J. No. L229/5, 29 June 2004

35 O.J No. L55/1, 23 January 2007

36 O.J. No. L217/1, 8 August 2006

37 O.J. No. L103/1, 25 April 1979

38 O.J. No. L206/7, 22 July 1992

39 O.J. No. L272/19, 27 December 2006

40 S.I. No.94 of 1997

41 O.J. L47/9, 16 February 2001

42 S.I. No. 165 of 1998

43 O.J. No. L337/3, 5 December 2006

44 S.I. No. 165 of 1998

45 S.I. No. 10 of 1996

46 S.I. No. 36 of 2001

47 S.I. No. 27 of 2003

48 S.I. No. 290 of 2005

49 S.I. No. 62 of 2007

50 S.I. No. 395 of 2004

51 S.I. No. 30 of 2000

52 S.I. No. 402 of 2006

53 S.I. No. 183 of 1997

54 Council Directive 80/68/EEC of 17 December 1979 on the protection of groundwater against pollution caused by certain dangerous substances, O.J. No. L 20/43, 26 January 1980.

55 Directive 2006/118/EC of the European Parliament and of the Council of 12 December 2006 on the protection of groundwater against pollution and deterioration,

O.J. No. L 372/19, 27 December 2006.

56 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, O.J. No. L 194/23, 25 July 1975, and O.J. No. L 42/43, 12 February 1987.

57 S.I. No. 390 of 1979

58 S.I. No. 33 of 1982

59 S.I. No. 399 of 1992

60 S.I. No. 121 of 1994

61 S.I. No. 147 of 1998

62 S.I. No. 164 of 1998

63 S.I. No. 1 of 1977

64 S.I. No. 21 of 1990

65 S.I. No. 14 of 1959

66 S.I. No. 6 of 1987

67 S.I. No. 12 of 1997 and No. 27 of 2003

68 S.I. No. 282 of 2006

69 S.I. No. 262 of 1994

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