



STATUTORY INSTRUMENTS.

S.I. No. 284 of 2013



ENVIRONMENTAL PROTECTION AGENCY (LICENSING FEES)
REGULATIONS 2013

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I, PHIL HOGAN, Minister for the Environment, Community and Local Government, in exercise of the powers conferred on me by section 6 and section 99A of the Environmental Protection Agency Act 1992 (No. 7 of 1992) (inserted by section 15 of the Protection of the Environment Act 2003 (No. 27 of 2003)), and with the consent of the Minister for Public Expenditure and Reform (and the Finance (Transfer of Departmental Administration and Ministerial Functions) Order 2011 (S.I. No. 418 of 2011)) and the Minister for Jobs, Enterprise, and Innovation (as adapted by the Enterprise, Trade and Innovation (Alteration of Name of Department and Title of Minister) Order 2011 (S.I. No. 245 of 2011)), hereby make the following Regulations:

Citation

1. These Regulations may be cited as the Environmental Protection Agency (Licensing Fees) Regulations 2013.

Interpretation

2. In these Regulations:

“the Act of 1992” means the Environmental Protection Agency Act 1992 (No. 7 of 1992);

“the Act of 1996” means the Waste Management Act 1996 (No. 10 of 1996);

“the Act of 2003” means the Protection of the Environment Act 2003 (No. 27 of 2003);

“the Agency” means the Environmental Protection Agency established under section 19 of the Act of 1992;

“applicant” means an applicant for a licence or a review of a licence;

“application for a licence” means an application for a licence under section 83 of the Act of 1992 or by a licensee under section 90(1)(b) for a review of a licence or revised licence;

“licence” means a licence under section 82 of the Act of 1992;

“objection” means an objection under section 87 of the Act of 1992;

“review” means a review of a licence or revised licence under section 90 of the Act of 1992;

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 2nd August, 2013.*

“revised licence” means a revised licence under section 90 of the Act of 1992.

Fee for application for a licence

3. (1) A fee shall be paid to the Agency by an applicant in respect of an application for a licence for an industrial emissions directive activity specified in paragraph 11.2, 11.3, 11.4, 11.5, 11.6 or 11.7 of the First Schedule to the Act of 1992.

(2) Subject to paragraph (3), the fee payable under paragraph (1) shall be the amount, as appropriate, indicated in column (2) of Part I of the Schedule opposite the relevant activity or class of activity in column (1) of Part I of the Schedule.

(3) Where a class of activity is identified more than once in column (1) of Part I of the Schedule, the fee payable under paragraph (1) shall be the highest of the fees specified in column (2) of Part I of the Schedule opposite the class of activity so identified in column (1) of the Schedule.

Fee for application for a review of a licence or revised licence

4. (1) A fee shall be paid to the Agency by a licensee in respect of an application for a review of a licence or revised licence under section 90(1)(b) of the Act of 1992 for an industrial emissions directive activity specified in paragraph 11.2, 11.3, 11.4, 11.5, 11.6 or 11.7 of the First Schedule to the Act of 1992.

(2) Subject to paragraph (3), the fee payable under paragraph (1) shall be the amount, as appropriate, indicated in column (3) of Part I of the Schedule opposite the relevant activity or class of activity in column (1) of Part I of the Schedule.

(3) Where a class of activity is identified more than once in column (1) of Part I of the Schedule, the fee payable under paragraph (1) shall be the highest of the fees specified in column (3) of Part I of the Schedule opposite the class of activity so identified in column (1) of the Schedule.

Fee for application for the transfer of a licence or revised licence

5. (1) A fee shall be paid to the Agency by a licensee in respect of an application under section 94 of the Act of 1992 for the transfer of a licence or revised licence.

(2) The fee payable under paragraph (1) shall be €2,000.

Fee for application for the surrender of a licence or revised licence

6. (1) A fee shall be paid to the Agency by the licensee in respect of an application under section 95 of the Act of 1992 for the surrender of a licence or revised licence.

(2) The fee payable under paragraph (1) shall be the amount, as appropriate, indicated in column (3) of Part I of the Schedule opposite the relevant activity or class of activity in column (1) of Part I of the Schedule.

Fee for an objection

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

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

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

- (a) a local authority,
- (b) a planning authority,
- (c) a sanitary authority,
- (d) the Heritage Council,
- (e) Inland Fisheries Ireland,
- (f) Fáilte Ireland,
- (g) in the case of an activity any part of which is situate within the functional area of Shannon Development (the Shannon Free Airport Development Company Ltd.), that company, or
- (h) An Taisce — The National Trust for Ireland,

the fee payable in respect of the objection shall be the amount indicated in column (3) of Part II of the Schedule opposite the mention of a reduced fee for an objection in column (2) of Part II of the Schedule.

Fee for request for an oral hearing

8. (1) Where a person making an objection under section 87(5) of the Act of 1992 requests an oral hearing of the objection, a fee shall be paid to the Agency by that person.

(2) The fee payable under paragraph (1) shall be €100.

Refund or waiver of fees

9. (1) Notwithstanding any other provision of these Regulations, the Agency shall have an absolute discretion to refund or waive the fee payable in accordance with these Regulations where it is satisfied that payment in full of the fee would not be just and reasonable.

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

SCHEDULE

PART I

Fees payable to the Agency in respect of an application for a licence or review of a licence or revised licence or an application for the surrender of a licence or revised licence for an industrial emissions directive activity specified in paragraph 11.2, 11.3, 11.4, 11.5, 11.6 or 11.7 of the First Schedule to the Act of 1992.

(1) Paragraph no. and activity or class of activity in the First Schedule to the Act of 1992	(2) Amount of fee for an application for a licence (regulation 3)	(3) Amount of fee for a review of a licence or revised licence or an application for the surrender of a licence or revised licence (regulations 4 and 6)
	€	€
11.2 Disposal of hazardous waste with a capacity exceeding 10 tonnes per day involving one or more of the activities specified in subparagraphs 11.2(a) to 11.2(k).	30,000	22,500
11.2 Recovery of hazardous waste with a capacity exceeding 10 tonnes per day involving one or more of the activities specified in subparagraphs 11.2(a) to 11.2(k).	10,000	6,000
11.3 Disposal of waste in waste incineration plants or in waste co-incineration plants:		
(a) for non-hazardous waste with a capacity exceeding 3 tonnes per hour,	12,000	10,000
except where the annual intake is likely to exceed 100,000 tonnes, or	20,000	15,000
(b) for hazardous waste with a capacity exceeding 10 tonnes per day.	30,000	22,500
11.3 Recovery of waste in waste incineration plants or in waste co-incineration plants:		
(a) for non-hazardous waste with a capacity exceeding 3 tonnes per hour, or	10,000	6,000
(b) for hazardous waste with a capacity exceeding 10 tonnes per day.	10,000	6,000
11.4 (a) Disposal of non-hazardous waste with a capacity exceeding 50 tonnes per day involving one or more of the activities specified in subparagraphs 11.4(a)(i) to 11.4(a)(v), except	10,000	6,000
where the annual intake is likely to exceed 25,000 tonnes but is less than 100,000 tonnes, or	12,000	10,000
where the annual intake is likely to exceed 100,000 tonnes.	20,000	15,000

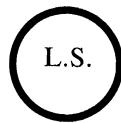
(1) Paragraph no. and activity or class of activity in the First Schedule to the Act of 1992	(2) Amount of fee for an application for a licence (regulation 3)	(3) Amount of fee for a review of a licence or revised licence or an application for the surrender of a licence or revised licence (regulations 4 and 6)
	€	€
11.4(b) Recovery of non-hazardous waste with a capacity exceeding 75 tonnes per day involving one or more of the activities specified in subparagraphs 11.4(b)(i) to 11.4(b)(iv), or	10,000	6,000
a mix of recovery and disposal of non-hazardous waste with a capacity exceeding 75 tonnes per day involving one or more of the activities specified in subparagraphs 11.4(b)(i) to 11.4(b)(iv), except	22,000	16,000
where the annual intake is likely to exceed 100,000 tonnes.	30,000	21,000
11.5 Landfills, within the meaning of section 5 (amended by Regulation 11(1) of the Waste Management (Certification of Historic Unlicensed Waste Disposal and Recovery Activity) Regulations 2008 (S.I. No. 524 of 2008)) of the Act of 1996, receiving more than 10 tonnes of waste per day or with a total capacity exceeding 25,000 tonnes, other than landfills of inert waste, except	10,000	6,000
• where the annual intake is likely to exceed 5,000 tonnes but be less than 20,000 tonnes, or	20,000	15,000
• where the annual intake is likely to exceed 20,000 tonnes but be less than 40,000 tonnes, or	25,000	20,000
• where the annual intake is likely to exceed 40,000 tonnes but be less than 100,000 tonnes, or	30,000	22,500
• where the annual intake is likely to exceed 100,000 tonnes.	35,000	25,000
11.6 Temporary storage of hazardous waste (other than waste referred to paragraph 11.5), pending any of the activities specified in paragraphs 11.2, 11.3, 11.5 or 11.7, with a total capacity exceeding 50 tonnes, other than temporary storage, pending collection, on the site where the waste is generated:		
• if pending recovery, or	10,000	6,000
• if pending disposal, or	30,000	22,500
• if pending a mixture of recovery and disposal.	40,000	28,500
11.7 Underground storage of hazardous waste with a total capacity exceeding 50 tonnes.	30,000	22,500

PART II

Other fees payable to the Agency in relation to licences or revised licences.

(1) Paragraph No.	(2) Category of objection	(3) Amount of fee
Paragraph 7(2)	Objection by the applicant or licensee	€253
	Objection by any other person other than a person mentioned in paragraph 7(3)	€126
Paragraph 7(3)	Reduced fee for an objection	€63

The Minister for Public Expenditure and Reform hereby consents, in accordance with section 99A(3) of the Act of 1992, to these Regulations.



GIVEN under the Official Seal of the Minister for Public Expenditure and Reform,
19 July 2013.

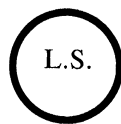
BRENDAN HOWLIN,
Minister for Public Expenditure and Reform.

The Minister for Jobs, Enterprise and Innovation consents, in accordance with section 99A(3) of the Act of 1992, to these Regulations.



GIVEN under the Official Seal of the Minister for Jobs, Enterprise and Innovation,
23 July 2013.

JOHN MURPHY,
A Person Authorised Under Section 15 of the Ministers and Secretaries Act 1924 to Authenticate the Seal of the Minister for Jobs, Enterprise and Innovation.



GIVEN under the Official Seal of the Minister for the Environment, Community and Local Government,
24 July 2013.

PHIL HOGAN,
Minister for the Environment, Community and Local Government.

EXPLANATORY NOTE

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

These Regulations set fees for applications to the Environmental Protection Agency for licences to carry out certain Industrial Emissions Directive (2010/75/EU) waste activities specified in the First Schedule to the Environmental Protection Agency Act 1992 (inserted by the Protection of the Environment Act 2003 and amended by the European Union (Industrial Emissions) Regulations 2013 (S.I. No. 138 of 2013)).

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