



Guidance to Licensees on Surrender, Cessation and Closure of Licensed Sites



Environmental Protection Agency

The Environmental Protection Agency (EPA) is a statutory body responsible for protecting the environment in Ireland. We regulate and police activities that might otherwise cause pollution. We ensure there is solid information on environmental trends so that necessary actions are taken. Our priorities are protecting the Irish environment and ensuring that development is sustainable.

The EPA is an independent public body established in July 1993 under the Environmental Protection Agency Act, 1992. Its sponsor in Government is the Department of the Environment, Community and Local Government.

OUR RESPONSIBILITIES

LICENSING

We license the following to ensure that their emissions do not endanger human health or harm the environment:

- waste facilities (e.g., landfills, incinerators, waste transfer stations);
- large scale industrial activities (e.g., pharmaceutical manufacturing, cement manufacturing, power plants);
- intensive agriculture;
- the contained use and controlled release of Genetically Modified Organisms (GMOs);
- large petrol storage facilities;
- waste water discharges.

NATIONAL ENVIRONMENTAL ENFORCEMENT

- Conducting over 2,000 audits and inspections of EPA licensed facilities every year.
- Overseeing local authorities' environmental protection responsibilities in the areas of - air, noise, waste, waste-water and water quality.
- Working with local authorities and the Gardaí to stamp out illegal waste activity by co-ordinating a national enforcement network, targeting offenders, conducting investigations and overseeing remediation.
- Prosecuting those who flout environmental law and damage the environment as a result of their actions.

MONITORING, ANALYSING AND REPORTING ON THE ENVIRONMENT

- Monitoring air quality and the quality of rivers, lakes, tidal waters and ground waters; measuring water levels and river flows.
- Independent reporting to inform decision making by national and local government.

REGULATING IRELAND'S GREENHOUSE GAS EMISSIONS

- Quantifying Ireland's emissions of greenhouse gases in the context of our Kyoto commitments.
- Implementing the Emissions Trading Directive, involving over 100 companies who are major generators of carbon dioxide in Ireland.

ENVIRONMENTAL RESEARCH AND DEVELOPMENT

- Co-ordinating research on environmental issues (including air and water quality, climate change, biodiversity, environmental technologies).

STRATEGIC ENVIRONMENTAL ASSESSMENT

- Assessing the impact of plans and programmes on the Irish environment (such as waste management and development plans).

ENVIRONMENTAL PLANNING, EDUCATION AND GUIDANCE

- Providing guidance to the public and to industry on various environmental topics (including licence applications, waste prevention and environmental regulations).
- Generating greater environmental awareness (through environmental television programmes and primary and secondary schools' resource packs).

PROACTIVE WASTE MANAGEMENT

- Promoting waste prevention and minimisation projects through the co-ordination of the National Waste Prevention Programme, including input into the implementation of Producer Responsibility Initiatives.
- Enforcing Regulations such as Waste Electrical and Electronic Equipment (WEEE) and Restriction of Hazardous Substances (RoHS) and substances that deplete the ozone layer.
- Developing a National Hazardous Waste Management Plan to prevent and manage hazardous waste.

MANAGEMENT AND STRUCTURE OF THE EPA

The organisation is managed by a full time Board, consisting of a Director General and four Directors.

The work of the EPA is carried out across four offices:

- Office of Climate, Licensing and Resource Use
- Office of Environmental Enforcement
- Office of Environmental Assessment
- Office of Communications and Corporate Services

The EPA is assisted by an Advisory Committee of twelve members who meet several times a year to discuss issues of concern and offer advice to the Board.



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Contents

1.0	Glossary	4
2.0	Introduction	5
2.1	Scope	5
3.0	IPPC/Waste Licence Function and Duration	5
3.1	Time Factors.....	7
3.2	Licence Enforcement	7
4.0	Environmental Liability.....	8
5.0	Transfer of Licence.....	8
6.0	Cessation of Licence.....	9
7.0	Actions required by the Licensee following Closure	9
8.1	Licence Surrender Process	11
8.2	Fee for Surrender Application	11
8.3	Independent Closure Audit.....	12
9.0	Retaining the licence	13
10.0	Landfill/Mines	13
	Figure 1. Three pathways of licence.....	6
	Figure 2: Flow Chart Licence Closure Scenarios	14
	Appendix A: Schedule of IPPC Licensing Fees	15
	Appendix B. Schedule of Waste Licensing Fees.....	17
	Appendix C. Some Relevant Legislation.	18

1.0 Glossary

Agency – Environmental Protection Agency

Cease/d – status of a licence when a licenced activity never commences, and the time period provided by the licence to commence, expires

Cesser – Ending, e.g. (in this context) of the effect of a licence

CRAMP – Closure, Restoration and Aftercare Management Plan¹, see Section 7.0

DMP – Decommissioning Management Plan², a closure plan

Examinership - The re-structuring of a bankrupt company to enable it to trade successfully into the future

ICA – Independent Closure Audit, see Section 8.3

Known liabilities - Planned/anticipated costs associated with facility closure, restoration and aftercare management

Liquidation - The voluntary or involuntary winding up of a company by ascertaining liabilities and apportioning assets

OEE – Office of Environmental Enforcement

“Permanent” stop – stopping the activity for three years Cf. S92(3) of EPA Act 1992 as amended, S49(3) of Waste Management Act 1996 as amended.

Receivership - The financial management of a bankrupt business by a receiver appointed by the Courts

Residuals – any soil, subsoils, buildings, plant or equipment, or any waste materials or substances or other matter contained therein or thereon, that may result in environmental pollution

RMP – Residual Management Plan², a closure plan

Scheduled Activity - means any process, development or operation specified in the First, Third & Fourth Schedules of the Acts and carried out in an installation

Surrendered – terminated status of a licence, whereby the Agency approves an application to surrender it, having verified that the condition of the relevant installation is not causing or likely to cause environmental pollution, and the site of the activity is in a satisfactory state

“Temporary” stop – stopping the activity for greater than six months but less than three years, see also *Permanent stop/cessation*

Unknown liabilities – Costs arising as a result of unplanned events (e.g. leaking chemical storage tank resulting in groundwater contamination)

¹ RMP was the term for a closure plan prior to the IPPC Directive. The IPPC Directive introduced the term Closure, Restoration and Aftercare Management Planning (CRAMP). The terms DMP/RMP/CRAMP may be interchangeable depending on the risk category and on whether restoration/aftercare is required.

2.0 Introduction

This note is intended to provide guidance to licensees on what actions are required when an Integrated Pollution Prevention Control (IPPC) or Waste Management licenced activity either never commences, or, after some period of operating, stops.

A licence is granted by the EPA (Agency) to carry out an activity listed in schedules of the EPA/WMA Acts, hereafter referred to as the Acts. If that activity does not commence within the time period provided, or, stops permanently, the licence file may, with the agreement of the Agency, be closed. Essentially, there are two clean licence endpoints; Ceased or Surrendered. Where residuals from a licenced activity remain a concern at the site, the licence file remains open and subject to further EPA enforcement. These situations are discussed below. Because the circumstances involved when an activity stops are highly variable, the complexity of the process and time and effort required to close out a licence, can vary. For further guidance on specific cases, the licensee should contact their relevant enforcement team in the Office of Environmental Enforcement (OEE).

2.1 Scope

This guidance covers IPPC and Waste Licences² in the event of any of the following:

- a. Activity never commences after licence is granted. Commencement time period expires.
- b. Activity is sole operation on site and stops completely.
- c. Activity stops, but the company remains in production - remaining activity/ies do not require a licence.

Note: where a *threshold* (e.g. greater than ten tonnes per year) applies to a scheduled activity, the activity is considered to have stopped if it falls below the specified threshold. However where the term *capacity* is used in relation to the carrying on of a scheduled activity, that capacity must be removed in order for the activity to be considered stopped.

3.0 IPPC/Waste Licence Function and Duration

Once a licence is granted, the conditions therein become a legal requirement under the Acts. Responsibility for the licence rests with the licensee. Three possible paths of a licence are illustrated in Figure 1 starting with granting of a licence.

² This guidance does not cover landfills or mining activities licensed by the Agency. Refer to section 10.

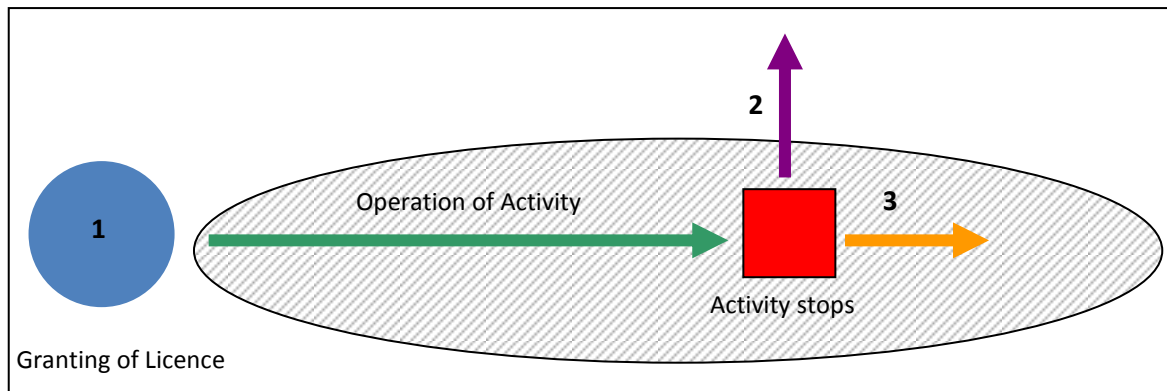


Figure 1. Three pathways of licence: 1) activity never commences after grant of licence and licence “ceases”; 2) Licence is surrendered, and 3) Licence is not surrendered and is kept after activity stops. Note: shaded zone represents activity-related environmental liabilities.

- i. For new installations, a time period is provided for the activity to commence, to allow for construction and commissioning. This usually ranges between 3-5 years depending on the scale of the activity. If the activity has not commenced within this time period, the licence ceases³, see Section 6.0.
- ii. Once a licensed activity commences, it has the potential to cause pollution. If the licensee wishes to relinquish the licence at any stage following commencement, the site must be assessed for any pollution impact caused via a licence surrender application, see Section 8.0.
- iii. If a commenced activity stops and the licence is not surrendered, any known and unknown environmental liabilities, in the form of pollution impacts caused by the activity, remain the responsibility of the licensee. The licence continues to apply to the licensee in relation to the site, and remains enforceable by the EPA, see Section 9.0.

It is advisable that the licensee contacts the Agency as soon as it is known that the licensed activity will either not commence within the period provided, or that it will stop for greater than six months. The requirement and scope for post-closure work varies between both IPPC and Waste licenses. The standard condition in IPPC licenses for addressing residuals post-closure, starts with:

Following termination, or planned cessation for a period greater than six months, of use or involvement of all or part of the site in the licensed activity, the licensee shall, to the satisfaction of the Agency, decommission, render safe or remove for disposal/ recovery, any soil, subsoils, buildings, plant or equipment, or any waste, materials or substances or other matter contained therein or thereon, that may result in environmental pollution.

It is important to discuss the plans, obligations and timescales in relation to the licence with the OEE inspector. For example, if the licensee intends to transfer the licence within the three year period; if the stop is permanent or temporary; or, if it is a permanent stoppage, whether the licensee intends to surrender the licence. Consequently, the licence close-out can be managed as efficiently as possible from the outset.

³ S.92 of EPA Acts, S.49 of Waste Management Acts.

3.1 Time Factors

It is important to note that after an activity stops, the licensee has up to three years to recommence the activity under S92(3) of EPA Acts and S48(3) of WMA:

Where the activity to which a licence or revised licence relates ceases to be carried on then, unless the activity is resumed within the period of 3 years beginning on the date of that cessation, the licence shall cease to have effect on the expiry of the said period.

If within three years of stopping the activity, the licensee intends to recommence it, the licensee must notify the OEE team under Condition 1.2 or 1.4 of the licence, so that the Agency is aware of the status of the installation, and also to ensure that monitoring/reporting requirements are appropriate.

If the activity stops for three years, the licence expires as a legal authorisation for use by the licensee. This means that the activity cannot be recommenced under the licence. In order to be authorised to operate the activity again, the operator would have to apply for a new licence.

Expiry of this three year period *does not* mean that the licence conditions are no longer legal requirements. The licensee remains obliged to comply with all relevant conditions and these will be enforced by the Agency until such a time as the Licence is surrendered. Section 92(4) of EPA Acts and S48(9) of WMA states:

The cesser of the activity to which a licence relates, shall in no way affect or diminish such conditions, requirements or obligations applying to or falling on the licensee as are specified in or arise under the licence or revised licence.

3.2 Licence Enforcement

Licence conditions apply from the date of grant of licence until such a time as it is verified by the licensee to the satisfaction of the Agency, that they are no longer relevant. Section 95(9) of the EPA Acts and S48(9) of the WMA stipulate:

The making of an application for the surrender of a licence or revised licence under this section, or the cesser of the activity to which a licence relates, shall in no way affect or diminish such conditions, requirements or obligations applying to or falling on the licensee as are specified in or arise under the licence or revised licence.

If the activity stops, associated emissions generally⁴ stop also. Where monitoring of certain emissions points is no longer relevant, it may be discontinued following approval of the Agency. An exception would apply if a site was contaminated e.g. a CRAMP involving longer term monitoring and/or aftercare may be required.

Reporting conditions also apply where relevant e.g. an Annual Environmental Report is required until surrender is accepted. This includes E-PRTR reporting where emissions/transfers off-site are still occurring e.g. accidental releases, removal of waste during decommissioning.

A change to any licence monitoring/reporting requirements shall only be by agreement with the Agency. Any queries in this regard should be raised with the relevant OEE inspector.

⁴Licensed landfills or mines are an exception and long-term monitoring is therefore necessary, see section 10.

4.0 Environmental Liability

A key factor in closing out a licence is environmental liabilities. Environmental liabilities may be known (i-ii), or unknown (iii):

- i. Predictable cost considerations that will arise at the time of facility closure e.g. waste removal;
- ii. Foreseeable costs associated with the aftercare and maintenance of the facility until such time as the facility is considered to no longer pose a risk to the environment e.g. safe decontamination of plant/equipment or ongoing monitoring;
- iii. Unplanned events/risks generally associated with the operational phase of the facility, e.g. incidents such as leaking process drains or a chemical spill.

For as long as a licence exists, any environmental liabilities arising from the licensed activity will be the responsibility of the licensee. The requirement for Financial Provision (FP) is provided for under S83(6) of the EPA Act 1992 as amended, and S41(2) and S53(1) of the WMA 1996 as amended. Where FP is required by the licence, it should be agreed with the Agency during the active phase of the licence in order to demonstrate that sufficient funds will be available to manage any liabilities associated with the activity for as long as they exist. The FP should be appropriate to the risks quantified and suitably protected against the effects of liquidation, receivership and examinership. Detailed guidance on FP for licensed activities is provided in an EPA [publication](#)⁵ concerning environmental liabilities, available on www.epa.ie.

There are three instances where a licensee can discharge itself from the licence obligations and associated environmental liabilities:

- i. Acceptance, by the Agency, of an application to surrender the licence.
- ii. The licensed activity never commences and the period for commencement expires.
- iii. Transfer of the licence to another party.

5.0 Transfer of Licence

S94 of the EPA Acts and S47 of the WMA allow for the Transfer of a Licence:

A person to whom a licence or revised licence is transferred under this section shall be deemed to have assumed and accepted all liabilities, requirements and obligations provided for in or arising under the licence or revised licence, regardless of how and in respect of what period, including a period prior to the transfer of the licence or revised licence, they may arise.

A transfer of licence is required in order to change the legal entity in control of the licence. This is only relevant to the context of closure where the licensed activity is not stopping permanently. The transfer must be applied for by both original licensee and the applicant/transferee.

⁵ *Guidance on Environmental Liability Risk Assessment, Residuals Management Plans and Financial Provision* (2006) EPA

Where a transfer of licence is required, the licensee should inform the OEE inspector and both licensee applicant/transferee should complete the Transfer of Licence Application Form available at <http://www.epa.ie/downloads/forms/lic/ippc/>.

The completed application should be sent to the Environmental Licensing Programme (ELP) section of the EPA for assessment. The transfer of a licence shall be granted by the ELP, provided the application satisfies the requirements of the relevant sections of the Acts.

6.0 Cessation of Licence

New installations are given a specified period (in years) to commence the activity following date of grant of licence. This period is generally three years but can be longer depending on the nature of works required to commence the activity. Specific periods are stipulated in 'Condition 1' of the licence and are allowed for under S92(2) of EPA Acts and S49(2) of the WMA:

If the activity does not commence after this set period, then under S92(1) of EPA Acts and S49(1) of the WMA, the licence *ceases*⁶:

Where, in the opinion of the Agency, the duration of carrying on of the activity to which a licence or revised licence relates, has not been substantially commenced within the period of 3 years beginning on the date on which the licence was granted or, as may be appropriate, the period referred to in paragraph (a) or (b) of subsection (2), and the Agency notifies the licensee of that opinion, then that licence shall cease to have effect on the giving of that notice.

The Agency requires verification that the activity never commenced. Once this is confirmed, the Agency notifies the licensee (and all other relevant parties) that the licence has ceased. This means that the licence is closed out in full (similar to a surrender). Surrender is not required as the activity which had the potential to cause pollution, never operated.

7.0 Actions required by the Licensee following Closure

In most cases, the licensee knows in advance, that the operation of an activity is going to stop. This fact should be relayed to the OEE inspector as soon as possible in order to ensure that licence compliance is maintained, and that licensee options post-closure are known. The licence may contain the following condition regarding residuals management:

Following termination, or planned cessation for a period greater than six months, of use or involvement of all or part of the site in the licensed activity, the licensee shall, to the satisfaction of the Agency, decommission, render safe or remove for disposal/recovery, any soil, subsoils, buildings, plant or equipment, or any waste, materials or substances or other matter contained therein or thereon, that may result in environmental pollution.

The licensee is required to comply with this condition where it is specified in the licence. This will involve implementing the agreed Closure, Restoration and Aftercare Management Plan (CRAMP), Residuals Management Plan (RMP), Decommissioning Plan (DMP) or Independent Closure Audit (ICA)⁷. Where the above condition is not in the licence, it is

⁶ Some exceptions may apply for example where a licence was granted for the remediation of a site.

⁷ See Section 8.3.

advisable to consider this action as best practice, in order to ensure compliance with the licence⁸. The objective of the CRAMP, as required by S.83(5)(x) of the EPA Act 1992 as amended, and S.35(i) of the WMA 1996 as amended, is to ensure that the “necessary measures are taken upon definitive cessation of activities to avoid any pollution risk and return of the site of the operation to a satisfactory state”. Detailed guidance on preparing a CRAMP is provided in an EPA [publication](#) available at www.epa.ie.

The licensee should inform the OEE of what it plans to do next in terms of surrendering, transferring or retaining the licence.

OEE will then request information such as the following, to be submitted in writing:

- (a) The date when the activity will stop/stopped at the site.
- (b) Expected date of vacation of all staff from the site.
- (c) The proposed future use of the premises e.g. similar industrial use or redevelopment.
- (d) Contact details for the company, post-exit from the site.
- (e) Contact details for the following:
 - proprietor of the land on which the site is situated,
 - owners of the building and ancillary plant in which the activity is situated (if different from the operator of the activity).
 - Local Authority
 - Current occupiers of the building (where applicable)
- (f) Proposals for revised sampling, analysis and reporting arrangements on foot of the changes on site, for agreement with the Agency.
- (g) Status of any associated bonds or financial provisions.

When the CRAMP/RMP/DMP or ICA has been implemented, a validation report should be submitted to the OEE.

⁸ E.g. to prevent incidents which may cause pollution.

8.1 Licence Surrender Process

S95 of the EPA Acts and S48 of the WMA enable the licensee to apply to surrender the licence if the activity stops permanently. The surrender application is a process that requires the licensee to verify to the Agency:

“...that the condition of the relevant installation is not causing or likely to cause environmental pollution and the site of the activity is in a satisfactory state”

Note that there are two key criteria in this requirement:

- i. That the technical unit and any equipment or materials located on the site are not causing or likely to cause pollution.
- ii. That the site (including subsoil and groundwater) is in a satisfactory state.

If these conditions are verified to the satisfaction of the Agency, an application to surrender a licence can be approved. Once a licence has been surrendered, conditions, requirements or obligations specified in the licence no longer apply to the licensee.

The surrender process is much like the original licence application process in reverse. Basic licensee and site information are reconfirmed in order to correctly account for any changes that may have occurred since the licence was granted e.g. licensed site boundary, legal entity licensed, etc. However, assessment of the licence surrender application is undertaken by OEE rather than the Licensing section, and the ultimate decision to approve or refuse surrender rests with the Director of the OEE.

An application form for licence surrender is available from www.epa.ie under Downloads/Forms/Enforcement Activities; click [here](#) to download the form. This form was developed to ensure that only relevant information enabling a proper assessment of the application is submitted to the OEE.

8.2 Fee for Surrender Application

A surrender application fee is a legal requirement under S99A(i) of the EPA Acts and S48(2) of the WMA. Fees are outlined in Appendix A and B.

The surrender fee is determined by the class and size of the licensed activity. The fee covers work carried out by the Agency in assessing the application for surrender i.e. correspondence with licensee and other relevant bodies, compliance assessment and monitoring, reviewing of closure validation report(s) and conducting an Exit Audit of the site. An application for surrender can take from some months up to a year or more to process, depending on the scale of works involved i.e. site investigation, remediation of residuals, etc⁹. If contamination is identified, the process may be delayed until the appropriate corrective action has been implemented. Regular communication with the OEE at all stages is recommended to ensure that the application is progressed in a timely manner.

The licence surrender process does not release a licensee from previous years' enforcement charges where these remain unpaid. It should also be noted that payment of the surrender fee

⁹ The Standing Charge applies for each year following surrender application. Other enforcement charges may also apply on a case-by-case basis.

does not automatically guarantee that the surrender application will be approved. Satisfying the two criteria in Section 8.1 determines if an application can be approved.

Under the EPA (Licensing Fees) (Amendment) Regulations 2006, SI 278 of 2006, a licensee can apply to the Agency to have the surrender fee reviewed, if it is felt that the full amount is not just and reasonable. The decision to refund or waive the fee is at the discretion of the Agency. Article 9 of these regulations states:

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.

8.3 Independent Closure Audit

The main focus of the licence surrender application is the Independent Closure Audit (ICA), carried out by the licensee. The objective of the ICA is essentially the same as a CRAMP. Where a CRAMP (or RMP/DMP) was previously agreed with the Agency, the licensee should confirm that this will still satisfy the scoping requirements of an ICA. Any changes to the site since a closure plan was agreed will have to be reviewed in the context of the current situation. In the absence of a previously agreed closure plan or where new issues have arisen, the proposed scope of the ICA must be agreed in advance with OEE. A reference checklist for determining the appropriate scope for any site is included as *Attachment 2* of the surrender application form. The licensee is advised to consult with the relevant inspector if clarification is required.

Once the completed application form (including ICA proposal and fee) is received, the OEE inspector will advise the licensee if the ICA scope is satisfactory and if any further information is required, as provided for in S95(3)/S48(3). In addition, the Agency may require the applicant to conduct monitoring, sampling or investigations as part of this process under S95(4)/S48(4).

The licensee should then undertake the approved ICA. Following completion of the ICA, a validation report should be submitted to the Agency for assessment.

The Agency may consult with relevant third parties (e.g. Local Authority/Fisheries etc.) in relation to the surrender application.

Following review of the ICA report, the inspector carries out an Exit Audit to assess the condition of the installation and the site, and to verify insofar as is possible the information submitted to date as part of the surrender application. The inspector will issue an Exit Audit Report to the licensee which may identify additional and/or outstanding issues to be addressed in order for the surrender application to proceed.

Once all corrective actions have been closed out as required, the inspector makes a recommendation to the Director of OEE in respect of the surrender application. The decision to accept the surrender of a licence is made by the Director. The inspector then notifies the licensee and any other relevant third parties in writing, that the surrender application has been accepted. The date that the licensee receives the surrender approval notification is the official date of the surrender of the licence.

9.0 Retaining the licence

If an activity stops for longer than six months, the licensee is generally required to first implement the CRAMP, and then submit a validation report on its implementation to the Agency for review, as described above in section 7.0.

In the absence of a surrender application, the site is inspected for three years by the Agency and a decision is made by agreement with the Agency on monitoring/reporting requirements.

The Agency may copy Site Inspection/Audit Reports to all relevant parties (e.g. Local Authority, owner/occupier of the site, etc).

Financial Charges will apply for any work carried out by the Agency (compliance assessment, monitoring etc.) and including the annual Standing Charge, until the licence is surrendered. Outstanding fees are to be paid in full and will be recouped by the Agency.

The licence will remain as a valid legal document unless it is subsequently surrendered albeit with much reduced value after three years, as it no longer permits the licensee to operate the activity for which it was originally granted. Conditions of the licence continue to apply and remain enforceable where relevant, and the licensee remains liable for any pollution arising from the licensed activity.

10.0 Landfill/Mines

The restoration and aftercare stages of landfills/mines involves a much greater time span, i.e. the control and monitoring of emissions such as landfill gas, landfill or lagoon leachate may continue for decades following site closure. Monitoring and control of relevant emissions are necessary until there is no longer a risk of environmental pollution. This is catered for in the Closure and Aftercare Management conditions of licences for these sectors, and is beyond the scope of this document.

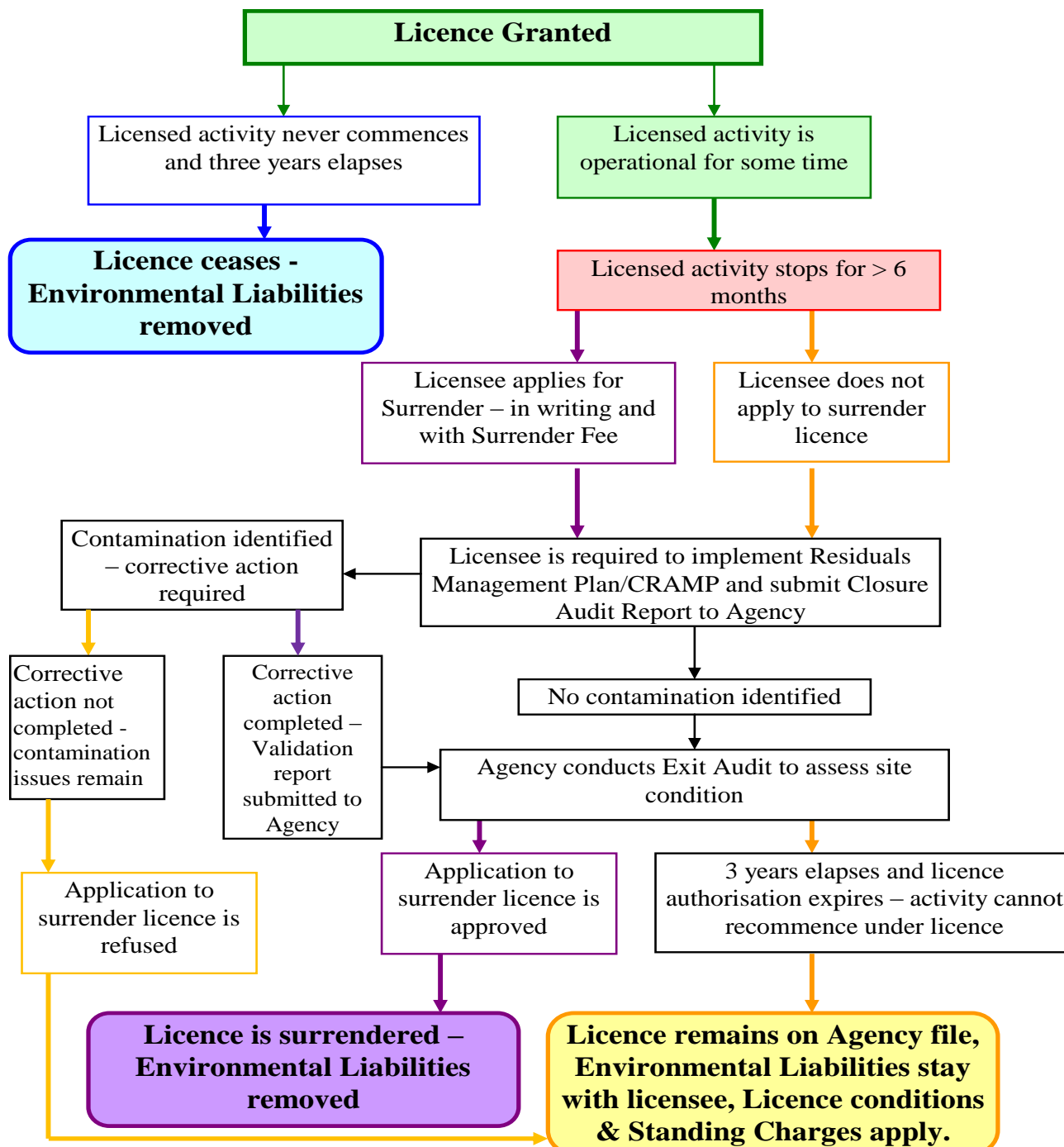


FIGURE 2: Flow Chart Licence Closure Scenarios

APPENDIX A: SCHEDULE OF IPPC LICENSING FEES

Fees set out in EPA (Licensing Fees) (Amendment) Regulations 1994 to 2006, S.I. No. 278 of 2006

Activity or class of activity in the First Schedule of EPA Acts 1992 and 2003	(i) Fees for an application for an IPPC licence		(ii) Fee for a review of an IPPC licence or revised IPPC licence or the surrender of a licence or revised licence	
	Small Activity	Large Activity	<i>Small Activity</i>	Large Activity
1. Minerals and Other Materials	€ 5,713	€ 12,697	€ 4,444	€ 8,888
2. Energy	€ 7,618	€ 16,506	€ 5,713	€ 12,697
3. Metals	€ 5,078	€ 8,888	€ 3,809	€ 6,983
4. Mineral Fibres and Glass	€ 5,078	€ 8,888	€ 3,174	€ 6,983
5. Chemicals (excluding 5.6)	€ 7,618	€ 20,315	€ 5,713	€ 14,601
5.6 The manufacture of pesticides, pharmaceutical or veterinary products and their intermediates	€ 10,157	€ 22,855	€ 7,618	€ 16,506
6. Intensive Agriculture	€ 3,174	€ 8,888	€ 1,904	€ 6,983
7. Food and Drink	€ 5,713	€ 12,697	€ 4,444	€ 8,888
8. Wood, Paper Textiles and Leather	€ 5,078	€ 8,888	€ 3,174	€ 6,983
9. Fossil Fuels	€ 5,713	€ 13,967	€ 4,444	€ 10,157
10. Cement	€ 7,618	€ 16,506	€ 5,713	€ 12,697
11. Waste	€ 5,713	€ 13,967	€ 4,444	€ 10,157
12. Surface Coating	€ 5,078	€ 8,888	€ 3,174	€ 6,983
13. Other Activities	€ 5,078	€ 8,888	€ 3,174	€ 6,983

(iii)

The fee payable to the EPA in respect of a licence or revised licence or permit or revised permit that is transferred to the EPA under Section 99G(4) of the EPA Acts 1992 and 2003 will be that indicated at (i) above less the fee paid to the local authority, sanitary authority or Minister for Communications, Marine and Natural Resources.

(iv)	Application for review of an IPPC licence or revised IPPC licence.	€126
(v)	(a) Objection by the applicant or licensee	€253
	(b) Objection by any other person other than a person mentioned in Article 8(3) of Regulations.	€126
	(c) Reduced fee for an objection made by certain specified authorities bodies or organisations listed in Article 8(3) of Regulations	€ 63
(vi)	Oral hearing request	€100
(vii)	Application for the transfer of a licence or revised licence	€2,000

(viii)

The fee payable to the EPA in respect of an application for the surrender of a licence or revised licence will be that indicated at (ii) above.

APPENDIX B. SCHEDULE OF WASTE LICENSING FEES

Waste Management (Licensing)(Amendment) Regulations 2004-2010

Waste Activity (1)	Amount of fee for an application for a waste licence (2)	Amount of fee for a review or surrender of a waste licence (3)
1.1 The disposal of waste at a landfill facility where the annual intake is likely to exceed 100,000 tonnes.	€35,000	€25,000
1.2 The disposal of waste at a landfill facility where the annual intake is likely to exceed 40,000 tonnes but be less than 100,000 tonnes.	€30,000	€22,500
1.3 The disposal of waste at a landfill facility where the annual intake is likely to exceed 20,000 tonnes but be less than 40,000 tonnes.	€25,000	€20,000
1.4 The disposal of waste at a landfill facility where the annual intake is likely to exceed 5,000 tonnes but be less than 20,000 tonnes.	€20,000	€5,000
1.5 The disposal of waste at a landfill facility where the annual intake is likely to exceed to be less than 5,000 tonnes.	€10,000	€6,000
2. The disposal of hazardous waste.	€30,000	€22,500
3.1 The disposal of waste (other than hazardous waste) at a facility (other than a landfill facility) where the annual intake is likely to exceed 100,000 tonnes.	€20,000	€15,000
3.2 The disposal of waste (other than hazardous waste) at a facility (other than a landfill facility) where the annual intake is likely to exceed 25,000 tonnes but be less than 100,000 tonnes.	€12,000	€10,000
3.3 The disposal of waste (other than hazardous waste) at a facility (other than a landfill facility) where the annual intake is less than 25,000 tonnes.	€10,000	€6,000
4. The recovery of waste.	€10,000	€6,000

APPENDIX C. Some Relevant Legislation

Environmental Protection Agency Acts 1992, as amended

Financial Provision

83 (6) The Agency may, before it does any of the following things, namely-

(a) decides whether to-

- (i) grant a licence or a revised licence, or
 - (i) effect a transfer of a licence or a revised licence,
- or

(b) completes a review of a licence or a revised licence,

require the applicant for the licence, the licensee in the case of a review (whether commenced by the Agency of its own volition or not), or the proposed transferee, as the case may be, to-

- (i) furnish to it such particulars in respect of such matters affecting his ability to meet the financial commitments or liabilities that the Agency reasonably considers will be entered into or incurred by him in carrying on the activity to which the licence or revised licence relates or will relate, as the case may be, in accordance with the terms of the licence or in consequence of ceasing to carry on that activity as it may specify, and
- (ii) make, and furnish evidence of having so made, such financial provision as it may specify (which may include the entering into a bond or other form of security) as will, in the opinion of the Agency, be adequate to discharge the said financial commitments or liabilities.

CRAMP

83 (5) The Agency shall not grant a licence or revised licence for an activity-

(a) unless it is satisfied that-

- (x) necessary measures will be taken upon the permanent cessation of the activity (including such a cessation resulting from the abandonment of the activity) to avoid any risk of environmental pollution and return the site of the activity to a satisfactory state, and

Duration of a licence

92.—(1) Where, in the opinion of the Agency, the duration of carrying on of the activity to which a licence or licence revised licence relates has not been substantially commenced within the period of 3 years beginning on the date on which the licence was granted or, as may be appropriate, the period referred to in paragraph (a) or (b) of subsection (2), and the Agency notifies the licensee of that opinion, then that licence shall cease to have effect on the giving of that notice.

(2) The Agency may, having regard to the nature of the activity to which a licence or revised licence to be granted or granted by it will relate or relates, as the case may be, and any arrangements necessary to be made or made in connection with the carrying on of the activity and any other relevant consideration—

(a) specify for the purposes of subsection (1) a period of more than 3 years beginning on the date on which the licence or revised licence is to be granted,

(b) in the case of a licence or revised licence granted by it, on an application which complies with such requirements (if any) as may be prescribed being made by the licensee in that behalf, extend for the purposes of subsection (1) the period referred to in that subsection or specified by it under paragraph (a), as may be appropriate.

(3) Where the activity to which a licence or revised licence relates ceases to be carried on then, unless the activity is resumed within the period of 3 years beginning on the date of that cessation, the licence shall cease to have effect on the expiry of the said period.

(4) The cesser of a licence's or a revised licence's effect under this section shall in no way affect or diminish such conditions, requirements or obligations applying to or falling on the licensee as are specified in or arise under the licence.

Surrender of licences (IPPC)

95.—(1) A licence or a revised licence granted under this Part may be surrendered by the licensee, but only if the Agency accepts the surrender.

(2) A licensee who desires to surrender his licence or revised licence shall make an application for that purpose to the Agency, in such form, giving such information and accompanied by such evidence as may be prescribed and accompanied by such fee as may be prescribed under section 99A.

(3) Upon receiving an application for the surrender of a licence or revised licence, the Agency—

(a) shall inspect the installation at which the activity to which the licence or revised licence relates is carried on ('the relevant installation'), and

(b) may require the applicant to furnish to it such further information or evidence as it may specify.

(4) For the purpose of subsection (3), the Agency may, by notice in writing served on the person, require a person who has made an application to it under subsection (2) to carry out, or arrange to have carried out, in such manner as may be specified in the notice, such monitoring, sampling and investigations, in addition to those which may be required under a condition attached to the licence or revised licence concerned, as the Agency considers necessary, and so specifies, and any requirement so made shall be regarded as a condition attaching to that licence or revised licence.

(5) Where the Agency proposes to accept the surrender of a licence or a revised licence, it shall consult with such persons and in accordance with such procedures as may be prescribed.

(6) Having regard to such information or evidence as is furnished to it under paragraph (b) of subsection (3) and to the results of an inspection under paragraph (a) of that subsection and of any monitoring, sampling and investigation required to be carried out under

subsection (4), the Agency shall assess the condition of the relevant installation, so far as that condition is the result of the use of the installation for an activity, (whether the activity, the subject of the licence concerned or, if the installation, in contravention of the licence, was used for the carrying on of any other activity within the meaning of this Act, that activity) and the likely effect on the environment or any environmental medium of any emissions from the relevant installation that may occur.

(7) If the Agency is satisfied that the condition of the relevant installation is not causing or likely to cause environmental pollution and the site of the activity is in a satisfactory state, it shall accept the surrender of the licence or revised licence, but otherwise shall refuse to accept the surrender of the licence or revised licence.

(8) A decision of the Agency under subsection (7) shall be conveyed to—

(a) the applicant concerned,

(b) the local authority in whose functional area the activity, the subject matter of the licence or revised licence, has been carried on, and

(c) any person concerned that it has consulted under subsection (5),

by notice in writing, as soon as may be after the decision is made and where the decision is a decision to accept the surrender of a licence or revised licence, that licence or revised licence shall cease to have effect upon the service of the said notice.

(9) The making of an application for the surrender of a licence or revised licence under this section, or the cesser of the activity to which a licence relates, shall in no way affect or diminish such conditions, requirements or obligations applying to or falling on the licensee as are specified in or arise under the licence or revised licence.

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Waste Management Act 1996, as amended

Limit on duration of waste licences.

49.—(1) Where the activity to which a waste licence relates has not been substantially commenced within the period of 3 years beginning on the date on which the licence was granted or, as may be appropriate, the period referred to in paragraph (a) or (b) of subsection (2), then that licence shall cease to have effect on the expiry of the said period.

(2) The Agency may, having regard to the nature of the activity to which a waste licence to be granted or granted by it will relate or relates, as the case may be, and any arrangements necessary to be made or made in connection with the carrying on of the activity and any other relevant consideration—

(a) specify for the purposes of subsection (1) a period of more than 3 years beginning on the date on which the licence is to be granted,

(b) in the case of a waste licence granted by it, on an application which complies with such requirements (if any) as may be prescribed being made by the holder of the licence in that behalf, extend for the purposes of subsection (1)

the period referred to in that subsection or specified by it under paragraph (a), as may be appropriate.

(3) Where the activity to which a waste licence relates ceases to be carried on then, unless the activity is resumed within the period of 3 years beginning on the date of that cessation, the licence shall cease to have effect on the expiry of the said period.

(4) The cesser of a waste licence's effect under this section shall in no way affect or diminish the conditions, requirements or obligations that apply to, or fall on, the holder of such licence by virtue of the licence.

Surrender of waste licences.

48.-(1) A waste licence may be surrendered by its holder, but only if the Agency accepts the surrender.

(2) The holder of a waste licence who desires to surrender it shall make an application for that purpose to the Agency, in such form, giving such information and accompanied by such evidence as may be prescribed and accompanied by such fee as may be prescribed under *section 50*.

(3) Upon receiving an application for the surrender of a waste licence, the Agency-

(a) shall inspect the facility at which the activity to which the licence relates is carried on ("the relevant facility"), and

(b) may require the holder of the licence to furnish to it such further information or evidence as it may specify.

(4) For the purpose of *subsection (3)*, the Agency may, by notice in writing served on the person, require a person who has made an application to it under *subsection (2)* to carry out, or arrange to have carried out, in such manner as may be specified in the notice, such monitoring, sampling and investigations, in addition to those which may be required under a condition attached to the waste licence concerned, as the Agency considers necessary, and so specifies, and any requirement so made shall be regarded as a condition attaching to that licence.

(5) Where the Agency proposes to accept the surrender of a waste licence, it shall consult with such persons and in accordance with such procedures as may be prescribed.

(6) Having regard to such information or evidence as is furnished to it under *paragraph (b)* of *subsection (3)* and to the results of an inspection under *paragraph (a)* of that subsection and of any monitoring, sampling and investigation required to be carried out under *subsection (4)*, the Agency shall assess the condition of the relevant facility, so far as that condition is the result of the use of the facility for the recovery or disposal of waste (whether or not carried on in accordance with the waste licence concerned) and the likely effect on any environmental media of any emissions from the relevant facility that may occur.

(7) If the Agency is satisfied that the condition of the relevant facility is not causing or likely to cause environmental pollution, it shall accept the surrender of the waste licence, but otherwise shall refuse to accept the surrender of the licence.

(8) A decision of the Agency under *subsection (7)* shall be conveyed to-

(a) the applicant concerned,

(b) the local authority in whose functional area the activity, the subject matter of the waste licence, has been carried on, and

(c) any person concerned that it has consulted under *subsection* (5), by notice in writing, as soon as may be after the decision is made and where the decision is a decision to accept the surrender of a waste licence, that licence shall cease to have effect upon the service of the said notice.

(9) The making of an application for the surrender of a waste licence under this section or the cesser of the activity to which a waste licence relates, shall in no way affect or diminish such conditions, requirements or obligations applying to or falling on the holder of such licence as are specified in or arise under the licence.

Conditions attached to a waste licence.

41.—(1) A waste licence may provide as respects any condition attached to it that the condition shall be complied with before or after any activity to which the licence relates has been commenced or has ceased.

(2) Without prejudice to the generality of section 40 (1) (a), conditions attached to a waste licence granted under this Part—

(b) may, as appropriate—

(xii) require the making and maintenance of such financial provision as may be required under section 53 (1).

CRAMP

83. - 5 The Agency shall not grant a waste licence unless it is satisfied that—

(x) necessary measures will be taken upon the permanent cessation of the activity concerned (including such a cessation resulting from the abandonment of the activity) to avoid any risk of environmental pollution and return the site of the activity to a satisfactory state,

Financial provisions regarding waste recovery and disposal.

53.— (1) The Agency may, before it does any of the following things, namely—

(a) decides whether to—

(i) grant a waste licence,

(ii) transfer such a licence,

(b) conducts a review of a waste licence,

require the applicant for, or the holder of, the licence or the proposed transferee, as the case may be, to—

(i) furnish to it such particulars in respect of such matters affecting his or her ability to meet the financial commitments or liabilities that the Agency reasonably considers will be entered into or incurred by him or her in carrying on the activity to which the licence relates or will relate, as the case may be, in

accordance with the terms of the licence or in consequence of ceasing to carry on that activity as it may specify, and



- (ii) make, and furnish evidence of having so made, such financial provision as it may specify (which may include the entering into a bond or other form of security) as will, in the opinion of the Agency, be adequate to discharge the said financial commitments or liabilities.

(2) A person who, pursuant to a requirement made of him or her under subsection (1), furnishes to the Agency any particulars or evidence which he or she knows to be false or misleading in a material respect shall be guilty of an offence.

(3) The Minister may make regulations for the purposes of this section.

(4) Without prejudice to the generality of subsection (3), regulations under this section may specify by reference to the type of activity to which the waste licence concerned relates or will relate—

- (a) the nature of the financial provision that the Agency may require a person to make under subsection (1) (ii),
- (b) the matters to be had regard to by the Agency in determining the amount of financial provision that it may require a person to make under subsection (1) (ii).

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An Ghníomhaireacht um Chaomhnú Comhshaoil

Is í an Ghníomhaireacht um Chaomhnú Comhshaoil (EPA) comhlachta reachtúil a chosnaíonn an comhshaol do mhuintir na tíre go léir. Rialaímid agus déanaimid maoirsiú ar ghníomhaíochtaí a d'fhéadfadh truailliú a chruthú murach sin. Cinntímid go bhfuil eolas cruinn ann ar threochtaí comhshaoil ionas go nglactar aon chéim is gá. Is iad na príomhnithe a bhfuilimid gníomhach leo ná comhshaol na hÉireann a chosaint agus cinntiú go bhfuil forbairt inbhuanaithe.

Is comhlacht poiblí neamhspleách í an Ghníomhaireacht um Chaomhnú Comhshaoil (EPA) a bunaíodh i mí Iúil 1993 faoin Acht fán nGníomhaireacht um Chaomhnú Comhshaoil 1992. Ó thaobh an Rialtais, is í an Roinn Comhshaoil, Pobal agus Rialtais Áitiúil.

ÁR bhFREAGRACHTAÍ

CEADÚNÚ

Bíonn ceadúnais á n-eisiúint againn i gcomhair na nithe seo a leanas chun a chinntiú nach mbíonn astuithe uathu ag cur sláinte an phobail ná an comhshaol i mbaol:

- áiseanna dramhaíola (m.sh., líonadh talún, loisceoirí, stáisiúin aistrithe dramhaíola);
- gníomhaíochtaí tionsclaíocha ar scála mór (m.sh., déantúsaíocht cógaisíochta, déantúsaíocht stroighne, stáisiúin chumhachta);
- diantalmhaíocht;
- úsáid faoi shrian agus scaoileadh smachtaithe Orgánach Géinathraithe (GMO);
- mór-áiseanna stórais peitreal;
- scardadh dramhuisce.

FEIDHMIÚ COMHSHAOIL NÁISIÚNTA

- Stiúradh os cionn 2,000 iniúchadh agus cigireacht de áiseanna a fuair ceadúnas ón nGníomhaireacht gach bliain.
- Maoirsiú freagrachtaí cosanta comhshaoil údarás áitiúla thar sé earnáil - aer, fuaim, dramhaíl, dramhuisce agus caighdeán uisce.
- Obair le húdaráis áitiúla agus leis na Gardaí chun stop a chur le gníomhaíocht mhídhleathach dramhaíola trí chomhordú a dhéanamh ar líonra forfheidhmithe náisiúnta, díriú isteach ar chiontóirí, stiúradh fiosrúcháin agus maoirsiú leigheas na bhfadhbanna.
- An dlí a chur orthu siúd a bhriseann dlí comhshaoil agus a dhéanann dochar don chomhshaol mar thoradh ar a ngníomhaíochtaí.

MONATÓIREACHT, ANAILÍS AGUS TUAIRISCIÚ AR AN GCOMHSHAOL

- Monatóireacht ar chaighdeán aer agus caighdeáin aibhneacha, locha, uiscí taoide agus uiscí talaimh; leibhéil agus sruth aibhneacha a thomhas.
- Tuairisciú neamhspleách chun cabhrú le rialtais náisiúnta agus áitiúla cinntiú a dhéanamh.

RIALÚ ASTUITHE GÁIS CEAPTHA TEASA NA HÉIREANN

- Cainníochtú astuithe gáis ceaptha teasa na hÉireann i gcomhthéacs ár dtiomantas Kyoto.
- Cur i bhfeidhm na Treorach um Thrádáil Astuithe, a bhfuil baint aige le hos cionn 100 cuideachta atá ina mór-ghineadóirí dé-ocsaíd charbóin in Éirinn.

TAIGHDE AGUS FORBAIRT COMHSHAOIL

- Taighde ar shaincheisteanna comhshaoil a chomhordú (cosúil le caighdeán aer agus uisce, athrú aeráide, bithéagsúlacht, teicneolaíochtaí comhshaoil).

MEASÚNÚ STRAITÉISEACH COMHSHAOIL

- Ag déanamh measúnú ar thionchar phleananna agus chláracha ar chomhshaol na hÉireann (cosúil le pleananna bainistíochta dramhaíola agus forbartha).

PLEANÁIL, OIDEACHAS AGUS TREOIR CHOMHSHAOIL

- Treoir a thabhairt don phobal agus do thionscal ar cheisteanna comhshaoil éagsúla (m.sh., iarratais ar cheadúnais, seachaint dramhaíola agus rialacháin chomhshaoil).
- Eolas níos fearr ar an gcomhshaol a scaipeadh (trí cláracha teilifíse comhshaoil agus pacáistí acmhainne do bhunscoileanna agus do mheánscoileanna).

BAINISTÍOCHT DRAMHAÍOLA FHORGHNÍOMHACH

- Cur chun cinn seachaint agus laghdú dramhaíola trí chomhordú An Chláir Náisiúnta um Chosc Dramhaíola, lena n-áirítear cur i bhfeidhm na dTionscnamh Freagrachta Táirgeoirí.
- Cur i bhfeidhm Rialachán ar nós na treoracha maidir le Trealamh Leictreach agus Leictreonach Caite agus le Srianadh Substaintí Ghuaiseacha agus substaintí a dhéanann ídiú ar an gcrios ózóin.
- Plean Náisiúnta Bainistíochta um Dramhaíl Ghuaiseach a fhorbairt chun dramhaíl ghuaiseach a sheachaint agus a bhainistiú.

STRUCHTÚR NA GNÍOMHAIREACHTA

Bunaíodh an Ghníomhaireacht i 1993 chun comhshaol na hÉireann a chosaint. Tá an eagraíocht á bhainistiú ag Bord lánaimseartha, ar a bhfuil Príomhstíúrthóir agus ceithre Stíúrthóir.

Tá obair na Ghníomhaireachta ar siúl trí ceithre Oifig:

- An Oifig Aeráide, Ceadúnaithe agus Úsáide Acmhainní
- An Oifig um Fhorfheidhmiúchán Comhshaoil
- An Oifig um Measúnacht Comhshaoil
- An Oifig Cumarsáide agus Seirbhísí Corparáide

Tá Coiste Comhairleach ag an nGníomhaireacht le cabhrú léi. Tá dáréag ball air agus tagann siad le chéile cúpla uair in aghaidh na bliana le plé a dhéanamh ar cheisteanna ar ábhar imní iad agus le comhairle a thabhairt don Bhord.



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