

STATUTORY INSTRUMENTS

S.I. No. XX of 2005

WASTE MANAGEMENT (FACILITY PERMIT and REGISTRATION)
REGULATIONS, 2005

Dublin

Published by the Stationery Office

PN

Price: €

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2005

WASTE MANAGEMENT (FACILITY PERMIT and REGISTRATION)
REGULATIONS, 2005

The Minister for the Environment and Local Government, in exercise of the powers conferred on him by sections 7, 15, 18, 19 and 39 of the Waste Management Act (as amended), hereby makes the following Regulations: -

Citation and commencement

1. (1) These Regulations may be cited as the Waste Management (Facility Permit and Registration) Regulations, 2005.

(2) These Regulations shall come into operation on the xx day [month] 2005

Revocations

2. (1) Subject to sub-article (2) the Regulations specified in the First Schedule to these Regulations 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 on or before the coming into operation of these Regulations.

Purpose of Regulations

3. The purposes for which these Regulations are made include giving effect to the provisions of the Directives listed in the Second Schedule.

Interpretation generally.

4 (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 Act 1996, as amended by the Waste Management (Amendment) Act 2001 (No. 36 of 2001), the Planning & Development Act 2000 (No. 30 of 2000) and the Protection of the Environment Act 2003 (No. 27 of 2003);

"an application" means an application for a waste facility permit or for the review of a waste facility permit or for a certificate of registration,

"applicant" means an applicant for a waste facility permit or for the review of a waste facility permit or for a certificate of registration and may include the holder of the waste;

"co-incineration plant" means any stationary or mobile plant whose main purpose is the generation of energy or production of material products and;

- which uses waste as a regular or additional fuel; or
- in which waste is thermally treated for the purpose of disposal.

"designated bathing area" means a bathing area listed in the First Schedule to the Quality of Bathing Waters Regulations, 1992 (S.I. No. 155 of 1992), as amended;

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

"emission limit value" means the mass, expressed in terms of a specific parameter, concentration or level of an emission, or both a specific concentration and level of an emission, which may not be exceeded during one or more periods of time.

"end of life vehicle" means a vehicle, which is a waste within the meaning of Article 1(a) of Directive 75/442/EEC;

"european site" means-

(a) a site-

- (i) notified for the purposes of Regulation 4 of the European Communities (Natural Habitats) Regulations, 1997 (S.I. No.94 of 1997), subject to any amendments made to it by virtue of Regulation 5 of those Regulations, or
- (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 the Habitats Directive 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 the Habitats Directive 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 the Birds Directive;

"inert waste" means waste-

- (i) that does not undergo any significant physical, chemical or biological transformations;
- (ii) that 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, and
- (iii) in particular, will not endanger the quality of surface water or groundwater;

"incineration plant" means any stationary or mobile technical unit and equipment dedicated to the thermal treatment of wastes with or without recovery of the combustion heat generated including the incineration by oxidation as well as other thermal treatment processes such as pyrolysis, gasification or plasma processes in so far as the substances resulting from the treatment are subsequently incinerated;

"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;

"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 disposal of waste for the time being specified in section 51(2)(a) of the Act;

"waste facility permit" means a waste permit for the purposes of section 39(4) of the Act;

"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 or electronic equipment which is waste within the meaning of Article 1 (a) of Directive 75/442/EEC, including all components, subassemblies and consumables which are part of the product at the time of discarding.

“ WEEE directive means Directive 2002/96/EC of the European Parliament and of the Council of 27 January 2003 on waste electrical and electronic equipment (WEEE), O.J.No.L37/24, 13 February 2003.

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

5 (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-

- (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 permit or 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 permit; and

(b) in the case of an activity of a class specified in Part II of the Third Schedule-

- (i) a certificate of registration has been granted under article 28 by the Agency or the relevant local authority, as the case may be, in relation to the carrying on of the activity at the facility, and
- (ii) the activity is being carried on in accordance with the conditions specified in Part II of the Third Schedule, the rules specified in the Fourth Schedule and complies with the general requirements laid down in Article 4 of Directive 75/442/EEC.

Notice of intention to apply for a waste facility permit or a waste facility permit review.

6. An applicant shall, in accordance with article 7 -

(a) within the period of two weeks before the making of an application for a waste facility permit or waste facility permit review, publish notice of the intention to make the application in a newspaper circulating in the district in which the activity is or will be carried on, and

(b) not later than the making of the application, give notice of the application by the erection or fixing of a site notice on the facility or premises concerned.

Requirements as to notices

- 7 (1) A notice published in a newspaper pursuant to article 6 shall contain as a heading the words "APPLICATION TO [LOCAL AUTHORITY] FOR A WASTE FACILITY PERMIT" or "APPLICATION TO [LOCAL AUTHORITY] FOR A WASTE FACILITY PERMIT REVIEW", as applicable, and shall-
- (a) give the name and address of the applicant,
 - (b) state the location or postal address of the facility to which the application relates,
 - (c) specify the class or classes of activity concerned, in accordance with the Third and Fourth Schedules of the Act and, in the case of two or more activities, identify the principal activity,
 - (d) state that a copy of the application for a waste facility permit will, as soon as is practicable after receipt by the local authority, be available for inspection or purchase at the principal office of the said authority.
- (2) A site notice erected or fixed on any facility pursuant to article 6 shall-
- (a) be painted or inscribed, or printed and affixed, on a durable material,
 - (b) be securely erected or fixed in a conspicuous position-
 - (i) on or near the main entrance to the facility from a public road, or
 - (ii) on any other part of the facility adjoining a public road, and shall be so erected or fixed and the text shall be so painted, inscribed or printed that the notice shall be capable of being read by persons using the said public road.
- (3) Where the facility to which an application relates does not adjoin a public road, a site notice 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.
- (4) A site notice erected or fixed on any facility pursuant to article 6 shall be headed "APPLICATION TO THE [LOCAL AUTHORITY] FOR A WASTE FACILITY PERMIT" or "APPLICATION TO [LOCAL AUTHORITY] FOR A WASTE FACILITY PERMIT REVIEW", as applicable and shall-
- (a) indicate the site location or proposed location of the activity, and
 - (b) comply with the requirements specified in paragraphs (a), (c) and (d) of sub-article (1).
- (5) a site notice erected or fixed on any facility pursuant to article 6 shall be maintained in position where erected or fixed for at least one month after the

making of the relevant application, 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.

(6) notwithstanding sub-article (5), the removal of a site notice by any party other than the applicant or their agent or local authority is an offence under these regulations.

Further notice.

8. Where-

(a) a period of more than two weeks has elapsed between the publication in a newspaper of a notice in accordance with article 6 and the making of the relevant application, or

(b) it appears to the local authority that any notice published or given in pursuance of article 6 does not comply with the provisions of article 7, or is, because of its content or for any other reason, misleading or inadequate for the information of the public,

the authority shall require the applicant to publish, erect or fix such further notice in such manner, whether in a newspaper or otherwise, 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.

Making of an application to a local authority.

9. An application shall be made to the principal office of the local authority in whose functional area the waste activity is or will be carried on.

Contents of an application for a waste facility permit or the review of a waste facility permit

10. (1) An application for a waste facility permit shall-

- (a) give the name, address and, where applicable, any telephone number and telefax number of the applicant and, if different, any address to which correspondence relating to the application should be sent and, if the applicant is a body corporate, the address of its registered or principal office,
- (b) give the location or postal address of the facility to which the application relates,
- (c) describe the nature of the facility concerned,
- (d) specify the class or classes of activity concerned, in accordance with the Third and Fourth Schedules of the Act,
- (e) specify the quantity of waste (in tonnes) and nature of the waste or wastes, which will be recovered or disposed of, as the case may be.
- (f) specify the code according to the European Waste List (Decision 2001/118) or subsequent amendments,

- (g) describe the plant, methods, processes and operating procedures for the activity,
 - (h) give particulars of the source, location, nature, composition, quantity, level and rate of emissions arising from the activity and, where relevant, the period or periods during which such emissions are made or are to be made,
 - (i) identify monitoring and sampling points and indicates proposed arrangements for the monitoring of emissions and the environmental consequences of any such emissions,
 - (j) describe any proposed arrangements for the off-site treatment or disposal of wastes,
 - (k) describe 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,
 - (l) describe the expected lifetime of the facility or activity
 - (m) planning permission number (if applicable),
 - (n) details of any proposed on-site traffic management system and the control procedures to be adopted to ensure the orderly movement of vehicles without creation of unreasonable nuisance and without detriment to the environment.
- (2) An application shall be accompanied by-
- (a) a copy of the relevant page of the newspaper, in which the notice in accordance with article 6 has been published,
 - (b) a copy of the text of the notice erected or fixed in accordance with article 6 ,
 - (c) a copy of such plans, including a site plan and location map, and such other particulars, reports and supporting documentation as are necessary to identify and describe, as appropriate-
 - (i) the position of the notice in accordance with article 7 ,
 - (ii) the point or points from which emissions are made or are to be made, and
 - (iii) the point or points at which monitoring and sampling are or are to be undertaken, and
 - (d) the fee payable as set out in the Fifth Schedule.

Declarations on Waste Licences, Waste Facility Permits or Registration

11. The Agency may of its own volition or shall, on a request being made to it, determine whether an activity shall be regarded as a licensable activity or as requiring a waste facility permit or certificate of registration under these Regulations.

Procedure on receipt of an application.

12. (1) On receipt of an application, a local authority shall –

- (a) stamp the application with the date of receipt,
- (b) assign a reference number to the application, and
- (c) within 5 working days of receipt of the application examine whether the requirements of article 10 have been complied with.

(2) Where a local authority considers that the requirements of article 10 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 and notify the Agency that a valid application has been received.

(3) Where a local authority 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, by notice in writing within 5 working days of making its decision,

- (a) inform the applicant of such failure of compliance and that the application cannot be considered by the authority, or
- (b) require the applicant, within such period as may be specified by the authority, to take such steps or furnish such submissions, plans, documents or other information and particulars, as the authority considers are necessary for compliance with the said requirements.

(4) Where a local authority gives a notice in accordance with sub-article (3)(a), it shall return to the applicant all copies of the application, associated documents and particulars and the application fee.

Further information.

13. (1) Where a local authority receives an application, it may, by notice in writing, require the applicant –

- (a) to furnish such further information or particulars relating to the application as it considers necessary to enable it make a decision in respect of the application, or
- (b) to 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) Where there is a failure or refusal to comply with a requirement of a local authority under sub-article (1) within one month of the date of notice of such requirement, the 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.

Availability and inspection of documents.

14. (1) Where a local authority receives an application, it shall make available for public inspection in accordance with this article –

- (a) a copy of the application (including the documents and information accompanying the application),
- (b) information and particulars received pursuant to a notice under article 13(1) in relation to the application, and
- (c) submissions received in relation to the application in accordance with article 15.

(2) 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 their receipt until the authority has granted or refused to grant a waste facility permit or the application has been withdrawn by the applicant or the application has been returned by the authority in accordance with article 12(4), whichever first occurs.

(3) 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 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.

15. Any person may make a written submission to a local authority in relation to an application, which the local authority shall have regard to in making its decision on the application.

Period for determination of an application

16. (1) A local authority shall not, subject to article 13(2), grant or refuse to grant a waste facility permit until after the expiration of twenty eight days beginning on the day of receipt by the authority of –

- (a) an application, or
- (b) in a case where the applicant has been required to provide further information or particulars under articles 12(3) or 13 (1), such information or particulars,

whichever date is the later.

(2) A local authority shall grant, with or without conditions, or refuse to grant a waste facility permit –

- (a) within a period of 12 weeks from the date of the receipt of a valid application, or

- (b) within a period of 6 weeks from the date of the receipt of further information or particulars from the applicant pursuant to a notice served under articles 11(3) or 12 (1).
- (c) An application form shall be considered as valid when all of the matters required in Article 10 are fulfilled.

Investigations concerning discharges to groundwater.

17. (1) Where it appears to a local authority that an activity, which is the subject of the application to the authority, 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 (1), 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 authority shall, before it grants a waste facility permit, 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 4, 5 and 7 of the aforesaid Directive.

(1) 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.

Conditions which may be attached to a waste facility permit.

18. A local authority may attach to any waste facility permit granted by the authority

—

- (a) Conditions regarding the collection, maintenance and reporting, in a specific format, of data or records necessary to monitor compliance with targets set in Directive 2002/96/EC of the European Parliament and Council of 27 January 2003 on waste electrical and electronic equipment (WEEE), and
- (b) Conditions 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 of the European Parliament and Council of 18 September 2000 on end of life vehicles.
- (c) Conditions concerning the introduction of certified environmental management systems.

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 opinion of the authority, necessary for the purposes of article 21(2), and
 - (b) conditions requiring the making of payments by the holder of the permit to the authority to defray such costs as may be incurred by the authority in inspecting, monitoring or otherwise performing any functions in relation to the activity concerned, in accordance with the Fifth Schedule,
 - (c) such conditions as are, in the opinion of that authority, necessary to give effect to the provisions, specified in column (1) of the Second Schedule, of the Community acts specified correspondingly in column (2) of the Schedule, insofar as such provisions are relevant to the waste activity concerned.

(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 ⁽²⁾.

(3) A local authority shall attach to each waste facility permit granted by the authority a condition requiring the person to whom the permit is granted-

- (a) to notify the authority within seven days of-
 - (i) the imposition of any requirement on that person by order under Section 57 or 58 of the Act, or
 - (ii) any conviction of that person for an offence prescribed under section 34(5) or 40(7) of the Act,
- (b) to 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) to maintain specified records in relation to the activity to which the waste facility permit relates and, not later than the 28th day of February in each year, furnish to the local authority in such form as may be specified summary information in relation to such activities in the preceding calendar year or part thereof, as the case may be.

(2) 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.

Conditions relating to the operation of mobile plant

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

Grant of a waste facility permit

21. (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) A local authority shall not grant a waste permit unless it is satisfied that-

- (a) the activity concerned, carried on in accordance with such conditions as are attached to the 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) BAT 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 in accordance with sub-article 25(a); and
- (e) the general requirements laid down in Article 4(2) of the Regulations are adhered to.

Notice and information to the Agency

22. A local authority shall –

- (a) by notice in writing, or in such a manner as may be specified by the Agency, inform the Agency, within 10 days, of any waste facility permit 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 have been granted by the authority.

Notice and information to the local authority

- 23. (1) A holder of a waste facility permit shall give notice in writing to the local authority which granted the said permit of any significant changes in the information furnished to that local authority under article 10(1), within three weeks of any such change arising.

Withdrawal or abandonment of an application

- 24. (1) 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 stating that fact and requiring that person, within a period specified in the notice (being a period of not less than fourteen or not more than twenty-eight 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 withdrawn.
 - (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 withdrawn.
 - (4) 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

- 25. (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 accompanied with a payment of a fee of €500.
 - (2) A local authority may, in agreeing to the surrender of a waste permit, attach conditions, which shall be complied with by the permit holder.
 - (3) A local authority shall not agree to the surrender a waste permit unless it is satisfied that the condition of the facility is not causing or likely to cause environmental pollution.

Review of a Waste Facility Permit

26. (1) The local authority shall carry out, at least once every five years, a review of a waste facility permit. The permit holder may continue to operate the facility in accordance with the permit conditions while the review is carried out, unless the local authority suspends the permit in accordance with article
- (2) A permit holder may request the review of a permit to account for minor changes.
- (3) The local authority may accept the changes and issue the permit holder with a revised permit, or at its absolute discretion may require the permit holder to make a full application for a new permit in accordance with Article 10.
- (4) A fee for the review will be determined by the local authority. The appropriate fee shall accompany an application for a review of a permit.

Revocation or suspension of a Waste Facility Permit

- 27 (1) A local authority may revoke, or suspend a waste facility permit and consequently the operation, if it appears to it that –
- (a) The permit holder is not, in its opinion, a fit and proper person to hold a waste permit by virtue of a conviction for an offence under the Act or lacks the requisite knowledge or expertise to carry on the activity, or
 - (b) Is in breach of the permit conditions, or
 - (c) Is in contravention of the Waste Management (Collection Permit) Regulations, the Waste Management (Movement of Hazardous Waste) Regulations or the Waste Management (Transfrontier Shipment of Waste) Regulations,
 - (d) Or is likely, by a continuation of his activities, to cause environmental pollution, or
 - (e) Is participating in or facilitating the onward movement of waste to unauthorised facilities or unauthorised collectors.

Registration of certain activities.

28. (1) A person may carry on an activity of a class specified in Part 11 of the Third Schedule at a facility from the coming into operation of these Regulations where a certificate of registration has been granted in lieu of a waste permit 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 application being made to it in accordance with these Regulations, grant a certificate of registration (with or without conditions) 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 –

- (a) In the case of an activity carried on by or on behalf of a local authority (other than at paragraph (c)), to the Agency,
- (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.
- (c) In the case of road scheme developments to a local authority in whose functional area the scheme is to be carried out.

(4) An application for a certificate of registration shall contain the information specified in article 10(1) (other than paragraphs (g) and (h)), where appropriate

(5) Notwithstanding sub-article (4), an application for a certificate of registration in respect of Class 1 of Part II of the Third Schedule shall also contain:

- i. name, address, fax and telephone number of the person responsible for managing the facility,
- ii. location map of the facility to which the application relates, with the perimeter within which the activity is to be undertaken clearly marked,
- iii. description of the waste acceptance procedures to be followed, the recovery operation, including measures to be taken to prevent unauthorised waste disposal at the facility,
- iv. details of the total amount of waste to be recovered, with start and finish dates,
- v. details as to the source and origin of the waste
- vi. description of the measures applied to comply with Article 5(2)(a), or a statement of reasons why such measures are not considered necessary,

(6) A fee, as set out in the Fifth Schedule, shall accompany an application for a certificate of registration.

(7) A local authority or the Agency (as the case maybe) shall decide on an application for a certificate of registration within 4 weeks from the date of completion of a valid application form (in accordance with this Article).

Review, Amendment, Revocation or Suspension of a Certificate of Registration

29. The local authority or the Agency, as the case may be, shall have absolute discretion to review, amend or revoke a certificate of registration granted by it at any time and shall review a certificate of registration at least once every 5 years.

Inspection and Monitoring

30 (1) A local authority or the Agency shall take the necessary measures to ensure that waste activities subject to a waste facility permit or certificate of registration meet the conditions set out in Article 5 and the rules set out in the Fourth Schedule.

(2) A local authority or the Agency shall inspect permitted or registered activities in accordance with Section 15 of the Act.

[Note : The objective here is set a minimum frequency of inspections i.e. in the case of permitted sites be at least once in any year and in the case of registered activities once in every three years. The holder of the permit or registered activity shall monitor the activity in accordance with their permit or registration and report to the competent authority on this monitoring in their annual environmental report as set out in S17 (3) (c)].

(3) The local authority and the Agency shall be responsible for the ensuring that the provisions of Section 32 of the Act are enforced.

Entries in registers established under section 19 of the Act.

31. (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 permit is granted, the information specified in paragraphs (a) to (e) of article 10(1),
- (b) In relation each activity in respect of which a certificate is granted, the:
 - (i) Location of the facility,
 - (ii) Category or categories of waste by EWC Code,
 - (iii) Volumes of waste involved, and
 - (iv) Commencement date of the activity

(2) It is hereby prescribed that the register maintained by the Agency under section 19 of the Act shall contain entries specifying, in relation to each activity in respect of which a certificate of registration is granted, the location of the facility concerned, the class or classes of activity being carried on, and the volumes of waste concerned.

Discretionary power to refund or waive fee in certain circumstances.

32. A local authority shall have absolute discretion to refund in whole or in part a fee payable in respect of a particular application where the authority is satisfied that the payment in full of the fee would not be just and reasonable having regard to the limited scale, or the limited cost or nature of the activity to which the application relates.

False or misleading information

33. A person shall not compile information, which is false or misleading to a material extent, or furnish any such information in any notice or other document used for the purposes of these Regulations.

Defrayal of local authority or Agency costs.

34. (1) A local authority or the Agency shall, by notice in writing, require a person to whom these Regulations apply, to defray or contribute towards any costs incurred by the local authority or the Agency, as the case may be, in the performance of its functions in relation to these Regulations, including the cost of any inspection or investigations carried out or caused to be carried out by the local authority or Agency, and the taking and analysis of any sample of waste.

(2) A person on whom a notice is served under sub-article (1) shall comply with the requirements of the notice within such period, being a period of not less than three weeks, as may be specified in the notice, and in default of such payment, the amount concerned may be recovered by the local authority concerned or the Agency, as the case may be, as a simple contract debt in any court of competent jurisdiction.

Article 2

FIRST SCHEDULE

Regulations Revoked

Number	Title	Extent of Revocation
S.I. No. 165 of 1998	Waste Management (Permit) Regulations 1998	The whole regulations, save for article 4 and the First Schedule

Article 3

SECOND SCHEDULE.

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

Relevant Provisions	Community act
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(1)	(2)
Articles 2, 4(b) and 4 (c)	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.
Articles 9 and 14	Council Directive 75/442/EEC of 15 July 1995 on waste, as amended by Council Directive 91/156/EEC of 18 March 1991.
Articles 4, 5, 8, 9, 10 and 18	Council Directive 80/68/EEC of 17 December 1979 on the protection of groundwater against pollution caused by certain dangerous substances.
Articles 2.2 to 2.4	Council Directive 91/689/EEC of 12 December 1991 on hazardous waste.
Articles 6 and 7	Directive 2002/96/EC of the European Parliament and of the Council of 27 January 2003 on waste electrical and electronic equipment (WEEE), O.J.No.L37/24, 13 February 2003
Articles 1, 5.2, 5.3 and 6	Directive 2000/53 of the European Parliament and Council of 18 September 2000 on end-of-life vehicles O.J. No.L269/34, 21 October 2000
	Directive 2000/76/EC of the European Parliament and of the Council of 4 December 2000 on the incineration of waste. O.J. No.L332/91 28 December 2000.
	Council Directive 31/1999/EEC of 16 July 1999 on the Landfilling of Waste O.J. No. L182/1 16 July 1999.

THIRD SCHEDULE**PART I****ACTIVITIES SUBJECT TO WASTE FACILITY PERMIT APPLICATION TO A LOCAL AUTHORITY -**

1. The recovery of non-hazardous waste using a thermal treatment process for the beneficial production of heat or electricity from waste fuel at facilities not otherwise covered by a waste management licence or IPPC permit where the capacity is less than 1 tonne per hour. An air pollution licence under the Air Pollution Act 1997 shall not be required for such activities.
2. The recovery of scrap metal
3. Treatment or storage or recovery of end of life vehicles.
4. Treatment and recovery of WEEE (including dismantling or disassembly of WEEE prior to shredding). Annual intake shall not exceed 5000 tonnes per annum.
5. Recovery of excavation or dredge spoil, comprising natural materials of clay, sand, gravel, or stone and which comes within the meaning of inert waste. The total capacity of waste recovered at the site shall not exceed 100,000 tonnes over the period for which the permit is granted.
6. Recovery of inert waste, for the purpose of land reclamation, where the total capacity of waste recovered at the site shall not exceed 100,000 tonnes over the period for which the permit has been granted.
7. Recovery of inert waste arising from construction and demolition activity, including concrete, bricks, tiles, road planings or other such similar material, at a facility (excluding land reclamation) where the annual intake shall not exceed 100,000 tonnes per annum
8. The composting of waste at a facility where the amount of compost and waste held at the facility does not exceed 1000 cubic metres at any time or the annual intake shall not exceed 25,000 tonnes.
9. Temporary storage and recovery, of spent fluorescent tubes and other mercury containing waste or used batteries and accumulators. Annual intake shall not exceed 100 tonnes.
10. The recovery of waste (not mentioned elsewhere in this Part of the Third Schedule), where the annual intake does not exceed 25,000 tonnes.
11. Transfer of waste (other than hazardous waste) for disposal, where the annual intake shall not exceed 5,000 tonnes.
12. Transfer of waste for recovery, where the annual intake does not exceed 50,000 tonnes

PART II

ACTIVITIES SUBJECT TO REGISTRATION WITH LOCAL AUTHORITY OR THE
AGENCY

<p>1. The temporary storage, pending collection, of hazardous waste for the purpose of submission to other recovery or disposal activities (included in this category are waste stored temporarily at a civic amenity facility or recycling centre which is not otherwise regulated by a waste licence or waste permit) Annual intake shall not exceed</p> <p style="padding-left: 40px;">(a) In the case of liquid waste, 25,000 litres</p> <p style="padding-left: 40px;">(b) In the case of non-liquid waste, 40 cubic metres</p>
<p>2. The temporary storage of hazardous waste in containers at ports prior to shipment onwards for disposal or recovery</p>
<p>3. The temporary storage of crashed or immobilised vehicles that are not end of life vehicles, pending decisions on whether the vehicles become end-of-life vehicles. The number of vehicles stored at any one time shall exceed 6.</p>
<p>4. Temporary storage, pending collection, of less than 1000kg spent fluorescent tubes or used batteries and accumulators, less than 1 tonne discarded equipment containing chlorofluorocarbons and less than 5 cubic metres of discarded electrical and electronic equipment for the purpose of submission to other recovery operations, subject to the requirements contained in paragraph 1 of Annex111 to the WEEE Directive.</p>
<p>5. Recovery of excavation or dredge spoil, comprising natural materials of clay, sand, gravel, or stone and which comes within the meaning of inert waste. The total capacity of waste recovered at the site shall not exceed 25,000 tonnes over the period for which the certificate has been granted</p>
<p>6. Recovery of inert waste, for the purpose of land reclamation where the total capacity of waste recovery at the site shall not exceed 25,000 tonnes over the period for which the certificate has been granted.</p>
<p>7. Recovery of inert waste arising from construction and demolition activity, including concrete, bricks, tiles, road planings or other such similar material, at a facility (excluding land reclamation) where the annual intake shall not exceed 20,000 tonnes per annum</p>
<p>8. The storage at the place of extraction, of waste material arising from quarrying or excavation where such material is in a chemically unaltered state.</p>

FOURTH SCHEDULE

RULES IN RESPECT OF REGISTERED ACTIVITIES

- (a) Any emissions from the activity concerned 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.
- (b) Waste shall only be accepted at the site between 0800 and 1800 hours, Monday to Friday both inclusive, and between 0800 and 1400 hours on Saturdays unless otherwise approved in writing by, as the case may be the relevant local authority or the Agency.
- (c) The operator shall put in place appropriate procedures relating to acceptance and supervision of the recovery activity.
- (d) The operator shall take all necessary measures relating to prevention of unauthorised waste activities and entry to the facility.
- (e) The operator 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.
- (f) The operator shall take preventative measures to ensure that the activity does not result in undue 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.
- (g) The operator, 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. (h) The operator shall maintain a register, which shall be available for inspection by the local authority, which details:
 - (i) The dates, time of arrivals and quantities of waste (by EWC code) delivered,
 - (ii) Names of the carriers, including vehicle registration details,(iii) Origin of waste delivered, and(iv) Quantities and composition of wastes not accepted at the facility
- (i) The operator shall immediately notify the relevant local authority of any incident arising from the activity, which:
 - (i) Has the potential for contamination of surface or ground water, or
 - (ii) Poses an environmental threat to air or land.
- (j) As part of the notification process, the operator shall include, within the 24 hours of any such incident occurring, details as to
 - (i) The date and time of the incident,

- (ii) Details of the incident,
- (iii) Evaluation of the pollution caused, and
- (iv) Remedial corrective measures undertaken or to be undertaken, including details of preventative measures.

FIFTH SCHEDULE.

FEEES

Application for a waste facility permit	Activities 4 & 5 of Part 1 of the Third Schedule : €1,000 + €10 per 1000 tonnes All other activities: €1,000 + €10 per 100 tonnes
Application for the review of a waste facility permit in accordance with Article 26	75% of application fees, or €100 for minor changes not requiring a full review.
Application for a certificate of registration	€300