

216-1  
887**Karen Creed**

**From:** Karen Creed  
**Sent:** 03 August 2005 15:16  
**To:** 'AMH'  
**Subject:** RE: 216-1 Joe McLoughlin Waste Disposal

Dear Mr. M. Quinlivan,

I would refer you to the Third and Fourth Schedules of the Waste Management Act, 1996 - The Third Schedule refers to Waste Disposal Activities and the Fourth Schedule refers to Waste Recovery Activities. In the application submitted for Reg No 216-1, Joe Mc Loughlin Waste Disposal, the type of activity specified by the applicant identified both waste disposal and waste recovery activities.

In addition, Article 4 of the Waste Management Act of 2001 defines disposal and recovery activities as separate activities;

- Article 4(3) identifies disposal activities and states that '*disposal in relation to waste means any of the activities specified in the Third Schedule and 'waste disposal activity' shall be construed accordingly*';
- Article 4(4) identifies recovery activities and states that '*recovery in relation to waste means any activity carried on for the purposes of reclaiming, recycling or re-using in whole or in part, the waste and any activities related to such reclamation, recycling or re-use, including any of the activities specified in the Fourth Schedule, and 'waste recovery activity' shall be construed accordingly*'.

Where an application is made in respect of a disposal activity and a recovery activity, a fee in respect of each activity is payable, since disposal and recovery activities are defined as separate activities.

I would also draw your attention to Article 45(1) of the Waste Management Licensing Regulations, 2004 and advise that you should make a formal application to the Agency following the issue of a final decision.

I trust that this clarifies the matter but should you have any additional queries please do not hesitate to contact me.

Regards  
 Karen Creed

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**From:** AMH [mailto:iwco@eircom.net]  
**Sent:** 03 August 2005 11:42  
**To:** Karen Creed  
**Subject:** 216-1 Joe McLoughlin Waste Disposal

Re: Notice in accordance with Article 14(2)(b)(ii) of Waste Management (Licensing) Regulations

Dear Dr Creed,

Sorry for the delay in replying to your letter dated 11th July 05. However, we did contact your office by telephone and were informed that you would be on holiday until this week, and we did not want to direct the query to anyone other than yourself.

We are looking for clarification in relation to the further fee €10,000 requested by the Agency. We have lodged a fee of €10,000 in relation to the recovery of waste. Waste is sent for disposal to a landfill from the facility, but no waste is disposed off at the facility. Therefore, we were of the belief that the fee of €10,000 applied, as per Second Schedule,

03/08/2005

Part 1, 4. Can you please clarify this for us. We have not yet advised our client at this time, pending your reply.

You may contact me at any time on 086 6002241.

Regards,

Mick Quinlivan

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AMH  
Pinehill Industrial Estate, Mountain Top, Letterkenny, Co Donegal  
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