

Na hAchtanna um Bainistiú Dramhaíola, 1996 go dtí 2005

FÓGRA FAOI CHINNEADH MOLTA AR IARRATAS AR CHEADUNAS DRAMHAÍOLA

FAOI RÉIR AILT 42(2) DE NA H-ACHTANNA UM BAINISTIÚ DRAMHAÍOLA, 1996 GO DTÍ 2005

De bhun na gcumhachtaí atá bronnta uirthi faoi na hAchtanna luaite thuas tairgeann an Ghníomhaireacht um Chaomhnú Comhshaoil (an Ghníomhaireacht), faoi Alt 4)(1) de na hAchtanna céanna, breith a thabhairt ar an iarratas ar cheadúnas dramhaíola mar a leanas:

**Uimhir Chláraithe Ceadúnais Dramhaíola:** 187-1  
**Iarratasóir:** Waterford County Council, Aras Brugha, Davitt's Quay, Dungarvan, County Waterford.  
**Saoráid** Waste Management Facility, Garrynagree & Reanagullee Townlands, Dungarvan, County Waterford.

Fuair an Gníomhaireacht an t-iarratas ar: 06/06/2003.

**Gníomhaíochtaí Dramhaíola lena mbaineann an t-iarratas:**

*Gníomhaíochtaí Diúscairte Dramhaíola ar diúltaíodh dóibh, faoi réir an Triú Sceidil de na hAchtanna um Bainistiú Dramhaíola, 1996 go dtí 2005*

Aicme 1.	Diúscairt ar thalamh, i dtalamh, nó faoi thalamh (ag áireamh líonadh talún).
Aicme 2.	Cóiriú talún, lena n-áirítear bithdhíghrádú scaoileachán leachta nó sloda in itreacha
Aicme 4.	Locadh dromchlaí lena n-áirítear scaoileacháin leachta nó sloda a shuíomh i gclaiseanna nó i murlaigh
Aicme 5.	Líonadh talún sainbheartaithe, lena n-áirítear suíomh i gceallaí discrídeacha líneáilte faoi chaipíní agus deighilte óna chéile agus ón imshaol.
Aicme 6.	Cóiriú bitheolaíoch nach bhfuil tagairt dó in aon áit eile sa Sceideal seo, a mbíonn comhábhair nó meascáin mar thoradh air leagtha síos de bharr gníomhaíochta a bhfuil tagairt dó faoi mhír 1 go dtí 5 nó faoi mhír 7 go dtí 10 sa Sceideal seo.
Aicme 7.	Cóiriú fisiceimiceach nach bhfuil tagairt dó in aon áit eile sa Sceideal seo a mbíonn comhábhair nó meascáin mar thoradh air leagtha síos de bharr gníomhaíochta a bhfuil tagairt dó faoi mhír 1 go dtí 5 nó faoi mhír 8 go dtí 10 sa Sceideal seo (lena n-áirítear galú, tiriú agus cailcíníú).
Aicme 11.	Cumasc nó meascadh roimh ábhar a chur faoi aon ghníomhú a bhfuil tagairt dó in aon mhír roimhe seo sa Sceideal seo.
Aicme 12.	Athphacáistiú roimh ábhar a chur faoi aon ghníomhú a bhfuil tagairt dó in aon mhír roimhe seo sa Sceideal seo.
Aicme 13.	Stóráil ábhair roimh a chur faoi aon ghníomhú a bhfuil tagairt dó in aon mhír roimhe seo sa Sceideal seo, cé is moite de stóráil shealadach, ag fuireach le bailiúchán, san áitreabh inar táirgeadh an dramhaíol atá i gceist.

*Gníomhaíochtaí Diúscairte Dramhaíola ar diúltaíodh dóibh, faoi réir an Cheathrú Sceidil de na hAchtanna um Bainistiú Dramhaíola, 1996 go dtí 2005*

Aicme 2.	Athchúrsáil nó athnuachan ábhar orgánach nach n-úsáidtear mar thuaslagóirí (lena n-áirítear múiríníú agus próisis bitheolaíocha eile.
Aicme 3.	Athchúrsáil nó athnuachan miotal nó comhdhúilí miotail
Aicme 4.	Athchúrsáil nó athnuachan ábhar neamhorgánach eile

<b>Aicme 9.</b>	<b>Úsáid aon dramhaíola go príomha mar bhreosla nó ar bhealach eile chun fuinnimh a ghiniúint</b>
<b>Aicme 10.</b>	<b>Cóiriú aon dramhaíola ar thalamh le tairbhe dá bharr do ghníomhaíocht thalmhaíochta nó do chóras éiceolaíoch.</b>
<b>Aicme 11.</b>	<b>Úsáid a bhaint as dramhaíol ar bith a fuarthas de bharr gníomhaíocht a ndéantar tagairt dó in aon mhír roimhe seo sa Sceideal seo.</b>
<b>Aicme 13.</b>	<b>Dramhaíol a stóráil leis an intinn í a chur faoi ghníomhú ar bith a dhéantar tagairt dó in aon mhír roimhe seo sa Sceideal seo, ach amháin stóráil shealadach, ag fuireach le bailiúchán, san áitreabh inar táirgeadh dramhaíol dá leithéid.</b>

**Cinneadh Molta** Tá sé molta diúltú do dheonú ceadúnais dhramhaíola don iarratasóir ainmnithe thuas chun dul i mbun na ngníomhaíochtaí dramhaíola sonraithe thuas, gurb iad sin atá mar ábhar an iarratais luaite faoin dtagairt thuasluaite, ag a áis thuasluaite. Tá cóip den chinneadh molta, lena n-áirítear na cúiseanna taobh thiar den chinneadh ag gabháil leis an bhfógra seo.

#### **AGÓIDÍ AGUS ÉISTEACHTAÍ BÉIL**

Is féidir le duine ar bith agóid a dhéanamh i gcoinne an chinnidh mholta, faoi réir Ailt 42 de na hAchtanna um Bainistiú Dramhaíola, 1996 go dtí 2005, ag am ar bith nach déanaí ná an dáta **8 Feabhra 2006**. Is féidir leis an duine ag déanamh na hagóide éisteacht bhéil ar an agóid a iarraidh, faoi réir Ailt 42 de na hAchtanna, ar am ar bith nach déanaí ná an dáta sonraithe thuas. Tá sé tabhachtach a thabhairt faoi deara **nach mór** aon agóid i gcoinne an chinnidh mholta agus/nó iarratas ar éisteacht bhéil **a bheith faighte ag an nGníomhaireacht roimh dheireadh na tréimhse iomchuí atá ceaptha**.

Caithfear aon agóid/iarratas ar éisteacht bhéil a dhéanamh trí, ceachtar acu, an agóid nó an t-iarratas a chur chuig an nGníomhaireacht, réamh-íochta tríd an bpost, nó an agóid nó an t-iarratas a fhágáil le fostaí den Gníomhaireacht ag Ceannteathrú na Gníomhaireachta i Loch Garman le linn uaireanta oifige, .i. 9.00 r.n. go dtí 5.00 i.n., ó Luan go hAoine.

Caithfidh agóid i gcoinne an chinnidh mholta ráiteas iomlán a dhéanamh maidir le bunús na hagóide. Ní mór an táille iomchuí a bheith in éineacht le hagóid agus le hiarratas ar éisteacht bhéil faoi seach agus a bheith de réir na bhforálacha reachtúla eile mar atá leagtha amach sna hAchtanna um Bainistiú Dramhaíola, 1996 go dtí 2005 agus sna Rialacháin (Ceadúnaithe) um Bainistiú Dramhaíola, S.I. Uimh. 185 de 2000. Tá Sleachta as an Acht agus as na Rialacháin i bhfochair an fhógra seo. Chun críocha agóide agus/nó iarratas ar éisteacht bhéil a dhéanamh, is é seoladh príomh-oifige na Gníomhaireachta ná **Bosca P.O. 3000, Eastát Chaisleáin Bhaile Sheáin, Contae Loch Garman**.

Má tharlaíonn:

- (a) nach ndéantar aon agóid i gcoinne an chinnidh mholta nó
- (b) má dhéantar agóid nó agóidí i gcoinne an chinnidh mholta agus má tharraingtear siar an agóid nó na hagóidí,

beidh cinneadh na Gníomhaireachta de réir an chinnidh atá molta agus déanfar é a eisiúint chomh luath agus is féidir tar éis deireadh na tréimhse cuí atá ceaptha.

Sínithe thar cheann na Gníomhaireachta:  
ar an 12ú de Eanáir, 2006

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Dr. Jonathan Derham, **Oifigeach Údaraithe**

**re: Proposed Decisions of the Environmental Protection Agency in respect of Waste Licence applications**

**Fees for the making of Objections and Oral Hearing requests**

**Fees for making an Objection:**

- Article 44 (1) A fee shall be paid to the Agency in respect of the making of an objection.
- (2) Subject to sub-article (3), the fee payable under sub-article (1) shall be the amount indicated in column (3) of Part II of the Third Schedule opposite the appropriate mention of objection in column (2) of the said Part of the Schedule.
- (3) Where an objection is made to the Agency by -
- (a) a local authority,
  - (b) a planning authority
  - (c) a sanitary authority,
  - (d) the Central Fisheries Board,
  - (e) An Taisce - The National Trust for Ireland,
  - (f) Bord Failte,
  - (g) in the case of an activity any part of which is situate within the functional area of the Shannon Free Airport Development Company Limited, that Company,
- a reduced fee shall be payable in respect of the said objection, in accordance with sub-article (2).

**Fees for making a request for an Oral Hearing** (payable *in addition to* the fee payable for making the associated objection)

- Article 46 (1) A fee shall be paid to the Agency in respect of a request for an oral hearing of an objection. (See table of fees below).

**Table of Fees for Objections and Requests for Oral Hearings**

	<b>Amount of fee (€)</b>
Objection by the applicant or licensee	317.43
Objection by an authority or body mentioned in Article 44(3) above	63.49
Objection by any other person	190.46
Request for an oral hearing	63.49

**Making an Objection and  
requesting an Oral Hearing of an objection  
on a Proposed Decision of the Environmental Protection Agency on a  
Waste Licence Application**

**Extracts from the Waste Management Acts, 1996 to 2005**

*Section*

- 42(2) Before making a decision under *Section 40* in respect of an application made to it for the grant of a waste licence, or *under Section 46(2)* in consequence of a review of a waste licence that has been conducted by it under that section, the Agency shall give notice in writing to—
- (a) the applicant or the holder of the licence, as the case may be,
  - (b) any person who has made a written submission to it in relation to the application or the review, in accordance with regulations under this Part,
  - (c) where relevant, the local authority in whose functional area the activity, the subject matter of the proposed waste licence or the waste licence, as the case may be, is intended to be, or is, carried on, and
  - (d) such other persons as may be prescribed,
- of the decision it proposes to make in respect of the application or in consequence of the review and, where the decision so notified is a decision to grant a waste licence or a revised waste licence, shall specify where a copy of the proposed licence or revised licence may be obtained.
- 42(3) Any person may, subject to compliance with the requirements of any regulations under *Sections 45* and *50*, and at any time before the expiration of the appropriate period, make an objection to the Agency in relation to a decision referred to in *subsection (2)* that it proposes to make.
- 42(4) An objection shall—
- (a) be made in writing,
  - (b) state the name and address of the objector,
  - (c) state the subject matter of the objection,
  - (d) state in full the grounds of objection and the reasons, considerations and arguments on which they are based, and
  - (e) be accompanied by such fee (if any) as may be payable in respect of the making of such objection in accordance with regulations *under Section 50*.
- 42(5) (a) An objection which does not comply with the requirements of *subsection (4)* shall be invalid.  
(b) The requirement of *subsection (4) (d)* shall apply whether or not the objector requests, or proposes to request, under *subsection (9)* an oral hearing of the objection.
- 42(6) An objection shall be accompanied by such documents, particulars, or other information relating to the objection as the objector considers necessary or appropriate.
- 42(7) Without prejudice to the provisions of any regulations under *Section 45*, an objector shall not be entitled to elaborate in writing upon, or make further submissions in writing in relation to, the grounds of objection stated in the objection, and any such elaboration, submissions or further grounds of objection that is or are received by the Agency shall not be considered by it.
- 42(8) Any documents, particulars or other information submitted by an objector, other than such documents, particulars or other information which accompanied the objection or which were furnished to the Agency under and in accordance with a requirement of, or made pursuant to, regulations under *Section 45*, shall not be considered by the Agency.

- 42(9) (a) A person making an objection under *subsection (3)* may request an oral hearing of the objection.
- (b) (i) A request for an oral hearing of an objection shall be made in writing to the Agency and shall be accompanied by such fee (if any) as may be payable in respect of such request in accordance with regulations under *Section 50*.  
(ii) A request for an oral hearing of an objection which is not accompanied by such fee (if any) as may be payable in respect of such request shall not be considered by the Agency.
- (c) A request for an oral hearing of an objection shall be made within the appropriate period, and any request received by the Agency after the expiration of that period shall not be considered by it.
- 42(10) An objection, or a request for an oral hearing under subsection (9), shall be made—
- (a) by sending the objection or request by prepaid post to the Agency, or
- (b) by leaving the objection or request with an employee of the Agency, at the principal office of the Agency, during office hours, or
- (c) by such other means as may be prescribed.
- 42(11) (a) Where a request for an oral hearing of an objection is made in accordance with *subsection (9)*, or otherwise where an objection has been made, the Agency shall have an absolute discretion to hold an oral hearing in relation to the objection and, if it decides to hold such a hearing, it shall give notice in writing of that decision to—
- (i) the applicant or the holder of the licence, as the case may be,
- (ii) where relevant, the local authority in whose functional area the activity, the subject matter of the proposed waste licence or the waste licence, as the case may be, is intended to be, or is, carried on,
- (iii) any person who requested an oral hearing, and
- (iv) such other person as may be prescribed.
- (b) Where the Agency decides not to hold an oral hearing under this subsection, it shall give notice in writing of its decision to the person who requested the oral hearing.
- 42(12) In this section “the appropriate period” means the period of 28 days beginning on the day on which notification is sent under *subsection (2)* in respect of the matter concerned.
- 43(1) (a) Where
- (i) no objection is made in accordance with *Section 42(3)* to the Agency in relation to a decision that it proposes to make in respect of an application made to it for the grant of a waste licence or in consequence of a review conducted by it of a waste licence, or
- (ii) any objection or objections that has or have been so made to it in relation thereto is or are withdrawn,
- the decision of the Agency in relation to that application or in consequence of the review shall be that as notified by it under *Section 42(2)*.
- (b) Where the decision of the Agency is to grant a waste licence or a revised waste licence, such a licence shall be granted by it as soon as may be after the making of the decision.