

## Waste Management Acts, 1996 to 2007

### NOTIFICATION OF A PROPOSED DECISION ON A REVIEW OF A WASTE LICENCE IN ACCORDANCE WITH SECTION 42(2) OF THE WASTE MANAGEMENT ACTS, 1996 TO 2007

In pursuance of the powers conferred on it by the above mentioned Acts, the Environmental Protection Agency (the Agency) proposes, under Section 46(8)(a) of the said Acts, to determine the following application for a review of a waste licence:

**Waste Licence Register No:** W0113-03  
**Applicant:** KMK Metals Recycling Ltd., Cappincur Industrial Estate, Danigean Road, Tullamore, Co Offaly.  
**Facility:** KMK Metals Recycling Ltd., Cappincur Industrial Estate, Daingean Road, Tullamore, Co Offaly.

The application was submitted by the licensee on 21/05/2007.

**Proposed Decision:** It is proposed, for the reasons hereinafter set out, to grant a waste licence to the above named applicant to carry on the following activities at the above named facility, subject to Twelve Conditions:

*Licensed waste recovery activities in accordance with the Fourth Schedule of the Waste Management Acts, 1996 to 2007:*

Class 3.	Recycling or reclamation of metals and metal compounds.
Class 4.	Recycling or reclamation of other inorganic materials.
Class 6.	Recovery of components used for pollution abatement.
Class 7.	Recovery of components from catalysts.
Class 11.	Use of waste obtained from any activity referred to in a preceding paragraph of this Schedule.
Class 12.	Exchange of waste for submission to any activity referred to in a preceding paragraph of this Schedule.
Class 13.	Storage of waste intended for submission to any activity referred to in a preceding paragraph of this Schedule, other than temporary storage, pending collection, on the premises where such waste is produced. [Principal Activity]

**Proposed Licence:** A copy of the proposed licence, including the reasons for the proposed decision, the proposed (Twelve) Conditions and the reasons therefor and associated schedules attached thereto accompanies this notification. A copy of the proposed licence may also be obtained from the Environmental Protection Agency, P.O. Box 3000, Johnstown Castle Estate, County Wexford.

#### OBJECTIONS & ORAL HEARINGS

Any person may object to the proposed decision, in accordance with Section 42 of the Waste Management Acts, 1996 to 2007, at any time no later than 25th February 2008. A person making an objection may also request an oral hearing of the objection, in accordance with Section 42 of the Acts, at any time no later than the date specified above. It is important to note that any objection to a proposed decision/request for an oral hearing must be **received by the Agency before the appropriate period expires.**

An objection/request for an oral hearing must be made either by sending the objection or request by prepaid post to the Agency, or by leaving the objection or request with an employee of the Agency at the principal offices of the Agency in Wexford during office hours, i.e. 9.00 a.m. to 5.00 p.m. Monday to Friday.

An objection against the proposed decision must state in full the grounds of the objection. An objection and a request for an oral hearing of an objection must each be accompanied by the appropriate fee and also comply with the other statutory requirements set out in the Waste Management Acts, 1996 to 2007 and the Waste Management (Licensing) Regulations, S.I. No. 395 of 2004. Extracts from the Acts and the Regulations accompany this notification. For the purposes of making an objection and/or a request for an oral hearing, the address of the principal office of the Agency is **P.O. Box 3000, Johnstown Castle Estate, County Wexford.**

In the event that;

- (a) no objection is taken against the proposed decision or
- (b) an objection or objections is or are taken against the proposed decision and the objection or objections is or are withdrawn,

the decision of the Agency will be in accordance with the proposed decision and will be issued as soon as may be after the appropriate period expires.

Signed on behalf of the Agency:  
on the 29<sup>th</sup> day of January, 2008

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Dr. Thomas McLoughlin **Authorised Person**

**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 42 (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 Second 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) Failte Ireland,
  - (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 44 (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).
- (2) The fee payable under sub-article (1) shall be the amount indicated in column (3) of Part II of the Second Schedule opposite the mention of a request for an oral hearing in column (2) of the said Part of the Schedule.

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

(1)	(2)	(3) Amount of fee (€)
Article 42	Objection by the applicant or licensee	€500
	Objection by an authority or body mentioned in Article 42(3)	€100
	Objection by any other person	€200
Article 44	Request for an oral hearing	€100

**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 relevant sections of the Waste Management Acts, 1996 to 2007.**

*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 pro-posed 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.
- 42A ***Calculation of appropriate period and other time limits over holidays***

When calculating the appropriate period (within the meaning of Section 42) or any other time limit under this Act or in any regulations made under this Act, the period between the 24<sup>th</sup> day of December and the 1<sup>st</sup> day of January, both days inclusive, shall be disregarded.
- 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.