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18th July 2013

Reg. No. W0167-03

Re: Registration Form to determine whether existing licence applications come within the scope of the new First Schedule of the EPA Acts 1992 to 2013

- **Industrial Emissions Directive (2010/75/EU)**
- **European Union (Industrial Emissions) Regulations 2013 (S.I. No. 138 of 2013)**
- **European Union (Industrial Emissions) (Licensing) Regulations 2013 (S.I. No. 137 of 2013)**

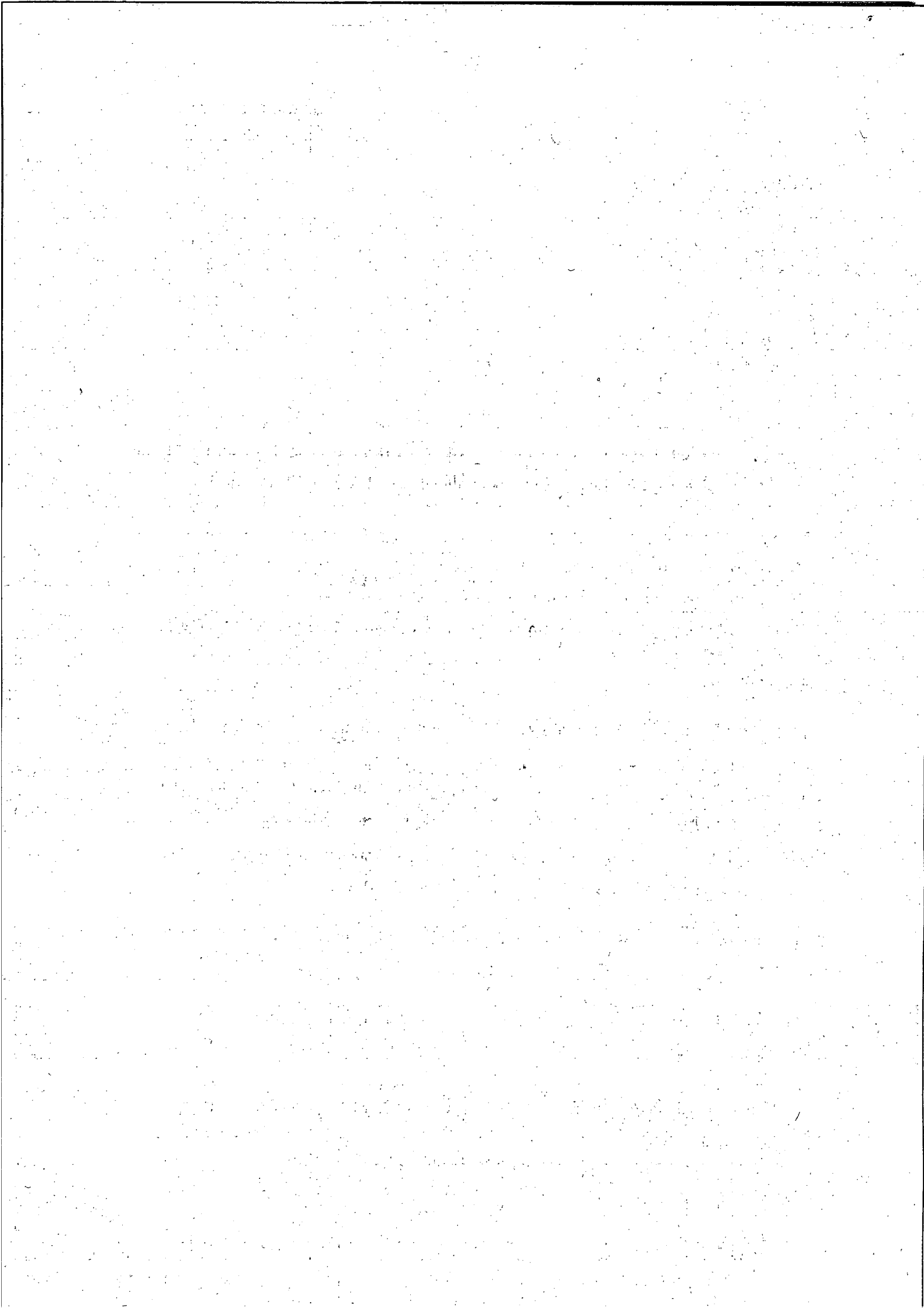
Dear Applicant,

I am to refer to the above referenced application for a waste licence or review of a waste licence. In order to further consider your application, it is necessary to determine whether the class or classes of activity that you have applied for fall within the scope of the new First Schedule of the Environmental Protection Agency Acts 1992 to 2013. This notice is given under Article 16(1) of the Waste Management (Licensing) Regulations, to enable the Agency to decide on the application.

One of the main functions of the Environmental Protection Agency has been the licensing and control of specified activities that are listed in:

- the Third and Fourth Schedules to the Waste Management Acts 1996, as amended; and
- the First Schedule to the Environmental Protection Agency Acts 1992, as amended.

Under these acts, the Agency has to date granted waste licences and IPPC licences respectively.



The Industrial Emissions Directive (2010/75/EU), as it has been transposed into Irish legislation, has changed the existing situation and has introduced a third class of licence that can be granted by the Agency, the Industrial Emissions Licence. The European Union (Industrial Emissions) Regulations have amended the First Schedule of the EPA Acts to state which activities are licensable in accordance with Annex I of the Industrial Emissions Directive. In relation to waste activities and of interest to waste licence applicants, the range of waste activities listed in the new First Schedule (class 11) has been expanded.

There is going to be a major change in the way that these First Schedule waste activities (class 11) will be licensed by the Agency. The First Schedule waste activities will in future be licensed by the Agency under:

- the EPA Acts 1992 to 2013; and
- the European Union (Industrial Emissions) (Licensing) Regulations 2013

and not, as has been the case to date, under:

- the Waste Management Acts 1996 to 2013; and
- the Waste Management (Licensing) Regulations 2004.

As an applicant for a waste licence (or the review of a waste licence), you are requested to complete the attached Registration Form and determine whether your proposed activities as well as your existing activities (i.e. *all* of the activities that will be the subject of the licence you have sought) are listed in the new First Schedule of the EPA Acts 1992 to 2013 and require licensing under the European Union (Industrial Emissions) (Licensing) Regulations 2013. You are requested to complete the attached Registration Form and return it to the Agency within 4 weeks of the date of this notice.

It should be noted that if you do not select a class of activity from the new First Schedule, on the basis of this response, you will not be authorised to carry out any activity covered by the new First Schedule. Failure to respond to this notice will be taken as an indication that your activities and/or proposed activities do not come under the new First Schedule to the EPA Acts 1992 to 2013. You should note that this is your responsibility solely and might in due course invalidate a wrongly granted waste licence or any new First Schedule activities incorrectly authorised therein.

For activities that are listed in the new First Schedule, the transition to licensing under the European Union (Industrial Emissions) (Licensing) Regulations 2013 will take place in two phases and the transition dates are noted in the attached Registration Form¹. If your activity is not one that is listed in the new First Schedule of the EPA Acts 1992 to 2013, the transition dates and the new Regulations will have no relevance to your activity.

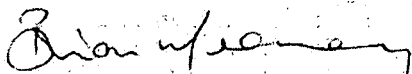
Should you have any queries in relation to licensing under the Industrial Emissions Directive, please see the EPA website at <http://www.epa.ie/licensing/industrialemissionslicensing/> or email Industrial_Emissions_Licensing_Queries@epa.ie.

The Registration Form should be completed, signed and sent to the Agency either by:

- post to: Ms Noeleen Roche/Ms Ana Bolger
IED Registration Form (Waste),
Environmental Licensing Programme
Environmental Protection Agency
PO Box 3000
Johnstown Castle Estate
Co. Wexford
- email of a **scanned, signed** document to licensing@epa.ie. Unsigned documents will be rejected.

Your co-operation and timely response on this matter is appreciated.

Yours sincerely,



Brian Meaney
Senior Inspector
Environmental Licensing Programme

¹ In accordance with the new Section 76A of the Waste Management Acts 1996 to 2013 which was introduced by the European Union (Industrial Emissions) Regulations 2013.

Registration Form

Declaration by waste licence applicants
as to whether proposed licensable activities
fall under the revised
First Schedule of the EPA Acts 1992 to 2013

Organisation details

Name of applicant:	Indaver Ireland Limited
Application facility:	Indaver Ireland Limited (Duleek)
Waste licence application register number:	W0167-03
CRO ² number:	

Instructions

You should firstly review all of the classes of activity included in the First Schedule of the EPA Acts 1992 to 2013 (a colour coded version of the new First Schedule is available on the IED pages of the EPA website –

<http://www.epa.ie/licensing/industrialemissionslicensing/>

You should determine if your activities fall under any of the classes of activity so listed and complete the table below accordingly. If no classes of activity apply, you should tick the appropriate boxes at the bottom of the table.

You should then consider whether any of the chapters III to VI of the IED are applicable to your activity and complete the table at the end of the Registration Form.

² Companies Registration Office

Guidance on “Capacity”

The classes of activity generally refer to the “capacity” of an activity. Applicants should consider both the legal and technical capacity of an installation when completing the Registration Form and making a decision as to whether the class of activity is applicable.

See also paragraphs (1) and (2) of the ‘Interpretation’ section of the new First Schedule for information on how the capacities of one or more activities should be aggregated for the purposes of the Registration Form. These paragraphs are as follows:

- “(1) If 2 or more activities falling within the same paragraph under a particular heading of this Schedule are carried on in the same installation by the same person, then, for the purpose of any threshold specified in that paragraph, the capacities of such activities shall be aggregated.
- (2) For waste management activities, the calculation referred to in subparagraph (1) shall apply at the level of activities referred to in paragraphs 11.2, 11.4(a) and 11.4(b).”

For further discussion on the interpretation of “capacity” see the European Commission’s *Guidance on Interpretation and Determination of Capacity under the IPPC Directive* at http://ec.europa.eu/environment/air/pollutants/stationary/ippc/general_guidance.htm.

Guidance on “Pre-treatment of waste for incineration or co-incineration”

This topic is relevant to activity classes 11.4(a)(iii) and 11.4(b)(ii).

The term “pre-treatment” is not defined in the Industrial Emissions Directive. The term “treatment” is defined in the Waste Framework Directive (2008/98/EC) as:

‘recovery or disposal operations, including preparation prior to recovery or disposal’.

The term ‘treatment’ has the same meaning as ‘pre-treatment’.³

Waste licence applicants will have already selected applicable recovery and disposal activities in their waste licence applications (section B.7 of the waste licence application form) that they have sought for authorisation. As a general rule, it is appropriate that any of

³ Municipal Solid Waste – Pre-treatment & Residuals Management: An EPA Technical Guidance Document, 2009.

these activities followed by dispatch of the waste for incineration or co-incineration should be regarded as “pre-treatment of waste for incineration or co-incineration” for the purposes of the new First Schedule.

When deciding whether an activity comprises “pre-treatment of waste for incineration or co-incineration” for the purposes of the new First Schedule, applicants should consider what happens *within the waste facility that is to be authorised*, and not any treatment or pre-treatment that took place previously at another facility or the presence of waste segregation practices at the point of waste collection.

The following should not generally be regarded as constituting “pre-treatment of waste for incineration or co-incineration”:

- the incidental generation of waste from waste treatment activities and the dispatch of such incidental waste for incineration.

Solid recovered fuels and refuse derived fuels are often but not always produced to a technical specification that might also comprise a quality standard and/or a quality assurance scheme. They are also often produced to be classified by the EWC codes 191210 or 191212.

The absence of:

- a technical specification,
- a quality standard,
- a quality assurance scheme, and/or
- EWC codes 19 12 10 and 19 12 12

for a solid recovered fuel or refuse derived fuel is not indicative that an activity does not comprise “pre-treatment of waste for incineration or co-incineration”.

Guidance on “Class 11.1” – non-IED activity

Class 11.1 is not an IED class of activity. If this class of activity is selected, a reason must be provided at the end of the form. Class 11.1 will generally only be applicable where there are *non-IED* classes of activity being carried on at a facility in-addition to IED classes of activity.

The following are IED classes of activity, subject to relevant capacity thresholds: 11.2, 11.3, 11.4, 11.5, 11.6 and 11.7.

Registration Form

This table lists only class 11 activities. There is space at the bottom of the table to list other applicable classes of activity and you should take the time to consider the entire new First Schedule.

Class of activity	Description of activity	Tick <u>all</u> classes of activity that apply to your waste licence <u>application</u> ⁴ (clear cells only)	Transition date to IE Licensing Regulations ⁵ (Section 76A of Waste Management Acts)
11	Waste management		
11.1 ⁶	The recovery or disposal of waste in a facility, within the meaning of the Act of 1996, which facility is connected or associated with another activity specified in this Schedule in respect of which a licence or revised licence under Part IV is in force or in respect of which a licence under the said Part is or will be required. ⁶		

⁴ Please note, this form relates to all of the activities included in your licence application. This includes activities that you are already authorised to carry out if you intend to maintain these activities under a new licence (should it be granted).

⁵ European Union (Industrial Emissions) (Licensing) Regulations 2013, S.I. No. 137 of 2013.

⁶ If this class of activity is selected, an explanation must be provided. Complete the box below the table.

Class of activity	Description of activity	Tick <u>all</u> classes of activity that apply to your waste licence <u>application</u> ⁴ (clear cells only)	Transition date to IE Licensing Regulations ⁵ (Section 76A of Waste Management Acts)
11.2	Disposal or recovery of hazardous waste with a capacity exceeding 10 tonnes per day involving one or more of the following activities;		30/9/2013 if IPPC Directive already applies to activity. 28/2/2014 if not.
(a)	biological treatment;		
(b)	physico-chemical treatment;		
(c)	blending or mixing prior to submission to any of the other activities listed in paragraph 11.2 or 11.3;		
(d)	repackaging prior to submission to any of the other activities listed in paragraph 11.2 or 11.3;		
(e)	solvent reclamation or regeneration;		
(f)	recycling or reclamation of inorganic materials other than metals or metal compounds;		
(g)	regeneration of acids or bases;		
(h)	recovery of components used for pollution abatement;		

Class of activity	Description of activity	Tick <u>all</u> classes of activity that apply to your waste licence <u>application</u> ⁴ (clear cells only)	Transition date to IE Licensing Regulations ⁵ (Section 76A of Waste Management Acts)
(i)	recovery of components from catalysts;		
(j)	oil re-refining or other reuses of oil;		
(k)	surface impoundment.		
11.3	Disposal or recovery of waste in waste incineration plants or in waste co-incineration plants:		30/9/2013 if IPPC Directive already applies to activity. 28/2/2014 if not.
(a)	for non-hazardous waste with a capacity exceeding 3 tonnes per hour;		
(b)	for hazardous waste with a capacity exceeding 10 tonnes per day.		
11.4(a)	Disposal of non-hazardous waste with a capacity exceeding 50 tonnes per day involving one or more of the following activities:		
(i)	biological treatment;		30/9/2013
(ii)	physico-chemical treatment;		30/9/2013

Class of activity	Description of activity	Tick <u>all</u> classes of activity that apply to your waste licence <u>application</u> ⁴ (clear cells only)	Transition date to IE Licensing Regulations ⁵ (Section 76A of Waste Management Acts)
(iii)	pre-treatment of waste for incineration or co-incineration;		28/2/2014
(iv)	treatment of slags and ashes;		28/2/2014
(v)	treatment in shredders of metal waste, including waste electrical and electronic equipment and end-of-life vehicles and their components.		28/2/2014
11.4(b)	Recovery, or a mix of recovery and disposal, of non-hazardous waste with a capacity exceeding 75 tonnes per day ⁷ involving one or more of the following activities, (other than activities to which the Urban Waste Water Treatment Regulations 2001 (S.I. No. 254 of 2001) apply):		28/2/2014
(i)	biological treatment;		
(ii)	pre-treatment of waste for incineration or co-incineration;		
(iii)	treatment of slags and ashes;		

⁷ When the only waste treatment activity carried out is anaerobic digestion, the capacity threshold for that activity shall be 100 tonnes per day.

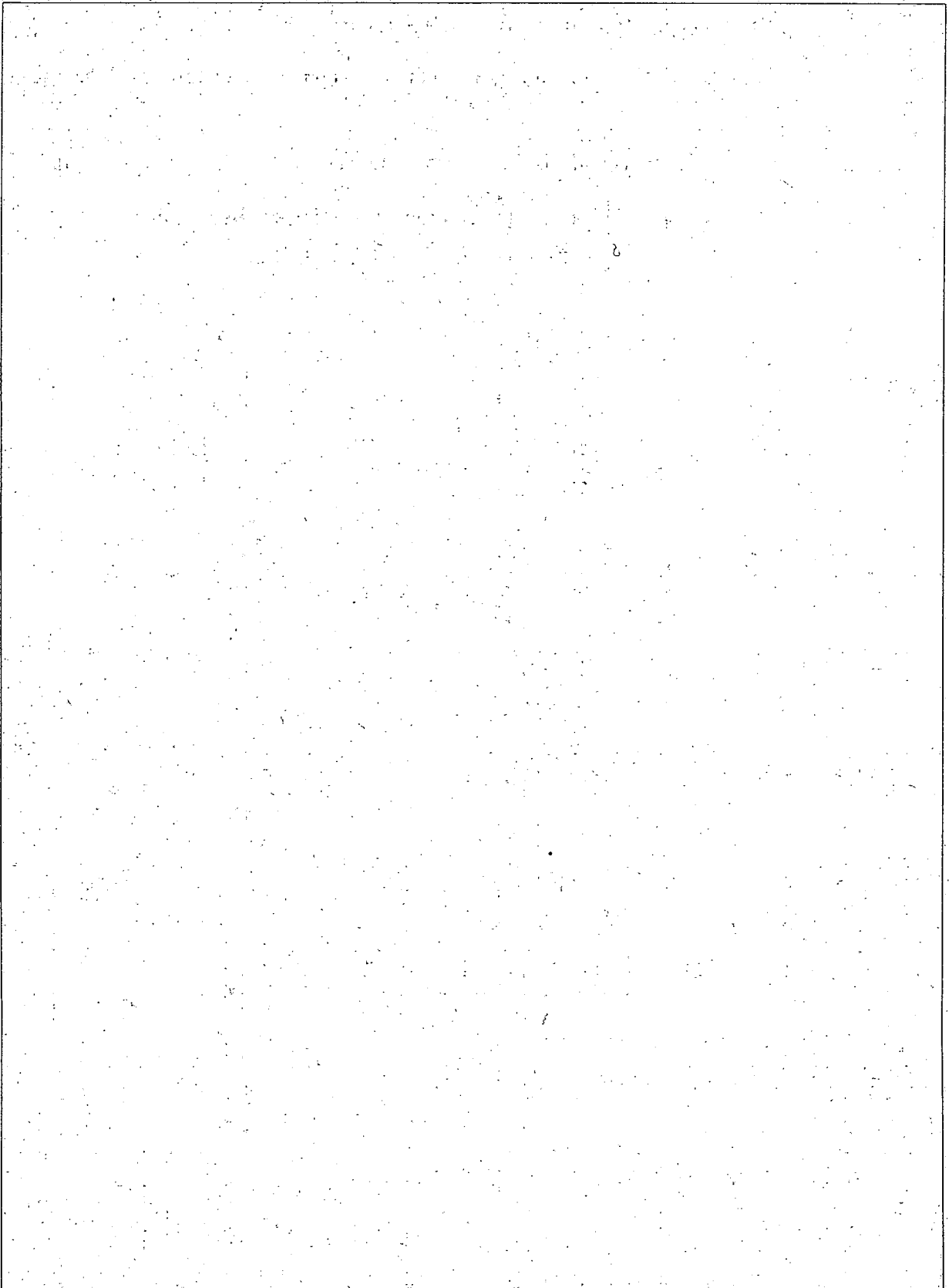
Class of activity	Description of activity	Tick <u>all</u> classes of activity that apply to your waste licence <u>application</u> ⁴ (clear cells only)	Transition date to IE Licensing Regulations ⁵ (Section 76A of Waste Management Acts)
(iv)	treatment in shredders of metal waste, including waste electrical and electronic equipment and end-of-life vehicles and their components.		
11.5	Landfills, within the meaning of section 5 (amended by Regulation 11(1) of the Waste Management (Certification of Historic Unlicensed Waste Disposal and Recovery Activity) Regulations 2008 (S.I. No. 524 of 2008)) of the Act of 1996, receiving more than 10 tonnes of waste per day or with a total capacity exceeding 25,000 tonnes, other than landfills of inert waste.		30/9/2013
11.6	Temporary storage of hazardous waste (other than waste referred to in paragraph 11.5) pending any of the activities referred to in paragraph 11.2, 11.3, 11.5 or 11.7 with a total capacity exceeding 50 tonnes, other than temporary storage, pending collection, on the site where the waste is generated.		28/2/2014
11.7	Underground storage of hazardous waste with a total capacity exceeding 50 tonnes.		28/2/2014

Class of activity	Description of activity	Tick <u>all</u> classes of activity that apply to your waste licence <u>application</u> ⁴ (clear cells only)	Transition date to IE Licensing Regulations ⁵ (Section 76A of Waste Management Acts)
0.1	None of the above classes of activity apply to the existing or proposed activities that are the subject of my waste licence application.		
0.2	Other applicable activities in the new First Schedule of the EPA Acts (List in the box to the right any other activities, other than class 11, that you carry out or have applied for a waste licence to carry out).		

Clarification of any considerations of "capacity" taken into account when completing the Registration Form:

A large, empty rectangular box with a thin black border, intended for the applicant to provide clarification of any capacity considerations. The box is currently blank.

If class 11.1 was selected, explain here the reason(s) for its selection:

A large, empty rectangular box with a thin black border, intended for the user to provide an explanation for the selection of class 11.1. The box is currently blank.

Please select all applicable Chapters of the Industrial Emissions Directive (2010/75/EU):

- III: Special provisions for combustion plants
- IV: Special provisions for waste incineration plants and waste co-incineration plants
- V: Special provisions for installations and activities using organic solvents
- VI: Special provisions for installations producing titanium dioxide

Acknowledgements and final declaration

I acknowledge that:

- The information provided to the EPA in this form will be made publicly available and will be open to inspection by any person.
- This form does not purport to be and should not be considered a legal interpretation of the provisions and requirements of the European Union (Industrial Emissions) Regulations 2013, the European Union (Industrial Emissions) (Licensing) Regulations 2013 or other legislation.
- By ticking box 0.1 above, I am stating that none of my existing activities or any new activities for which I've made application for authorisation under a waste licence are listed in the new First Schedule of the EPA Acts 1992 to 2013.

I declare the following:

- The EPA may copy this registration form response for its own use and make it available for inspection and copying by the public, both in the form of paper files available for inspection at EPA offices and via the EPA's website.
- I have read
 - this registration form and accompanying letter, and
 - the new First Schedule of the EPA Acts 1992 to 2013;in their entirety.
- I make this response on behalf of the organisation named in this registration form.
- I certify that the information given in this registration form response is true, accurate and complete.

Signature on behalf of applicant:	
Date of signature:	
Print name:	
Job title:	

